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Sustainable development

Follow-up to and implementation of the SIDS Accelerated Modalities of Action (SAMOA) Pathway and the Mauritius Strategy for the Further Implementation of the Programme of Action for the Sustainable Development of Small Island Developing States

Report of the Secretary-General

Summary

The present report, prepared in response to General Assembly resolution 72/217, provides a broad overview of the state of implementation of the SIDS Accelerated Modalities of Action (SAMOA) Pathway in small island developing States. It also contains a summary of the actions taken by Member States, organizations of the United Nations system and other international development partners to support small island developing States in their implementation efforts during the period 2017–2018. In that context, the strategies and frameworks employed to deliver development programmes are examined, and gaps, challenges, key results and achievements are highlighted. The report also includes an update on activities carried out in response to decisions and requests of the Assembly. The report was prepared on the basis of information received from Member States, organizations of the United Nations system, specialized agencies, regional commissions and relevant national, subregional and regional organizations.

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I. Introduction

1. The present report, prepared in response to the request of the General Assembly in paragraph 30 of its resolution 72/217, is divided into five sections. Sections I and V contain the introduction and conclusion, respectively. Section II provides a broad overview of the state of implementation of the SIDS Accelerated Modalities of Action (SAMOA) Pathway (Samoa Pathway) in small island developing States. Section III contains a summary of the actions taken by Member States, organizations of the United Nations system and other international development partners to support small island developing States in their implementation efforts during the period 2017–2018. In that section, the strategies and frameworks employed to deliver development programmes are examined, and gaps, challenges, key results and achievements of investments are highlighted. Section IV provides an update on the activities carried out in response to decisions and requests of the Assembly.[1] The present report was compiled using information solicited from Member States, organizations of the United Nations system, specialized agencies, regional commissions and relevant national, subregional and regional organizations, including through questionnaires.[2]

II. Overview

2. The Samoa Pathway was adopted by the General Assembly in its resolution 69/15 in November 2014. Nearly four years later, through various national and regional mechanisms and frameworks, and with the support of the international community, implementation in small island developing States continues, albeit at differing speeds. Efforts are being made to ensure the coherence and linkage of the Samoa Pathway with the 2030 Agenda for Sustainable Development, the Sustainable Development Goals and other internationally agreed development agendas in order to enable small island developing States to maximize the benefits that they can derive from those mechanisms and frameworks.

3. Despite the challenge of geographical dispersion and the absence of a mechanism or framework to coordinate and drive implementation at the national and regional levels, the Small Island Developing States of the Atlantic, Indian Ocean, Mediterranean and South China Sea regional group made progress in implementing several of the priority areas of the Samoa Pathway, including measures relating to climate change, sustainable energy, disaster risk reduction and food and nutrition security. One commendable achievement has been the preparation of national

[1] See General Assembly resolution 72/217, paras. 6, 20 and 30.

[2] Complete, unedited versions of the submissions received in response to the questionnaire used for the preparation of the present report are available at https://sidsnetwork.org/. Input was received from the United Nations Office for Disaster Risk Reduction, the United Nations Conference on Trade and Development, the United Nations Office on Drugs and Crime, the United Nations Environment Programme, the Economic and Social Commission for Asia and the Pacific, the United Nations Children's Fund, including its country team in Belize, the United Nations Development Programme and its office in Timor-Leste, the United Nations country team in Guinea-Bissau, the United Nations Population Fund, the Food and Agriculture Organization of the United Nations, the International Telecommunication Union, the United Nations Educational, Scientific and Cultural Organization, the International Trade Centre, the International Monetary Fund, the International Organization for Migration, the Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States, the International Renewable Energy Agency, the Partnership in Statistics for Development in the 21st Century, and from the following Member States: Austria, Bahrain, Cuba, Germany, Ireland, Japan, Marshall Islands and Russian Federation. The submission of the Government of New Zealand was received after the deadline; its full, unedited version is also available online.

development plans[3] that show a high degree of alignment to the Samoa Pathway, the 2030 Agenda and other development agendas, including the African Union's Agenda 2063, thus fostering a systematic approach to implementation and reporting to the various frameworks that those countries have prioritized for implementation.

4. In the Caribbean, progress was made in areas including climate change and sea level rise, disaster risk reduction, waste management, health, coastal and marine resources, freshwater resources, energy and biodiversity resources. The United Nations Multi-country Sustainable Development Framework (2017–2021)[4] represents the business plan for organizations of the United Nations system in the Caribbean and defines how they deliver assistance and achieve development results. The close alignment of the Framework to the Samoa Pathway and the Sustainable Development Goals has the additional benefit of contributing to national efforts to accelerate progress towards those commitments.

5. The pace of implementation in Caribbean small island developing States, however, continued to be slowed by weak economic growth and, in several countries, severe debt burdens. Those factors limit the fiscal space for investments in sustainable development programmes and projects. In addition, those countries have experienced losses equivalent to almost 1 per cent of gross domestic product and damage affecting an average of 1.5 per cent of the population. Over the past 60 years, 1,345 people in the Caribbean have lost their lives to natural disasters.[5] The region also grapples with high unemployment, underemployment and high youth unemployment rates. The impact of carbon tax and border tax adjustments on Caribbean trade in goods and services, increasing antimicrobial resistance and the threat of alien invasive species to biodiversity present further challenges. Caribbean small island developing States have nevertheless been exploring the potential of innovative financing methods, such as diaspora bonds, the blue economy and the New Development Bank, to help them to implement the Samoa Pathway and the Sustainable Development Goals.

6. Pacific small island developing States have made significant strides in mainstreaming the Samoa Pathway into national and regional development plans, policies and programmes. Like the Multi-country Sustainable Development Framework in the Caribbean, the United Nations Pacific Strategy 2018–2022[6] is the collective response of the United Nations system to the development priorities of Pacific small island developing States. It supports those States in advancing localized responses to the Samoa Pathway, the 2030 Agenda and other internationally agreed instruments. The Strategy is tailored to each country's national priorities and responds to the Pacific leaders' call to the United Nations system to align its work programmes and operations to support Pacific regional priorities. The commitment of the United Nations to engaging with key regional bodies, including the agencies of the Council of Regional Organizations of the Pacific, is also confirmed in the Strategy.

7. One noteworthy development in the Pacific region was the endorsement by Pacific leaders of the Pacific road map for the Sustainable Development Goals in 2017. The road map sets out the priorities of the region and includes a call for a systematic, coordinated and integrated approach to implementation, monitoring and reporting under the Samoa Pathway, the Sustainable Development Goals, the Paris

[3] National development plans have been prepared by the Comoros, Guinea-Bissau, Maldives, Singapore and Sao Tome and Principe.

[4] The Framework comprises four priority areas: an inclusive, equitable and prosperous Caribbean; a healthy Caribbean; a cohesive, safe and just Caribbean; and a sustainable and resilient Caribbean.

[5] International Monetary Fund, "Caribbean small States: challenges of high debt and low growth" (2013). Available at: www.imf.org/external/np/pp/eng/2013/022013a.pdf.

[6] Available at www.unicef.org/about/execboard/files/Final_UNPS_2018-2022_Pacific.pdf.

Agreement and the Addis Abba Action Agenda of the Third International Conference on Financing for Development.

8. Partnerships continue to be one means by which sustainable development commitments are realized in small island developing States. A recent analysis of 315 partnerships involving such States conducted by the Secretariat showed that, while more than 50 per cent of them are on track in terms of implementation, the partnership initiatives generally face challenges relating to the inadequate financial viability of projects as a result of size, political and policy nuances, the effects of climate change and natural disasters, and the severe financial debt burdens of small island developing States.[7]

III. Review of implementation of the Samoa Pathway

A. Implementation frameworks and strategies

9. The United Nations system and other international organizations generally employ a variety of frameworks and strategies to support the implementation of the Samoa Pathway at the national and regional levels in small island developing States. Those arrangements typically support oversight and the coordination of resource allocation, implementation, monitoring and evaluation for technical programmes. The frameworks and strategies form the basis of engagements at either the bilateral or the regional level. Table 1 shows examples of such frameworks and strategies.

Table 1
Existing frameworks and strategies for implementation of the Samoa Pathway

Institution	*Modes of programme delivery*	*Frameworks and strategies*
United Nations Office for Disaster Risk Reduction	5 regional offices and representatives in 5 offices	• Sendai Framework for Disaster Risk Reduction 2015–2030 • Strategic framework 2016–2021 and biennial work programmes (2016–2017 and 2018–2019) • United Nations Plan of Action on Disaster Risk Reduction for Resilience • Regional disaster risk reduction strategies (Framework for Resilient Development in the Pacific) • Asia Regional Plan for Implementation of the Sendai Framework
United Nations Office on Drugs and Crime	Regional and country offices	• Country or regional programmes agreed upon by respective Governments • United Nations Development Assistance Frameworks (United Nations Pacific Strategy 2018–2022) • United Nations Pacific Regional Anti-Corruption Project • Regional programme (support for CARICOM)

[7] United Nations, Division for Sustainable Development Goals, "Review of partnerships for small island developing States" (May 2018). Available at https://sustainabledevelopment.un.org/content/documents/18577Review_of_Partnerships_for_SIDS.pdf.

Institution	*Modes of programme delivery*	*Frameworks and strategies*
United Nations Conference on Trade and Development	Subprogramme 5: Africa, least developed countries and special programmes	• UNCTAD XIV outcome: Nairobi Maafikiano
United Nations Environment Programme	Office in Nairobi, subregional offices and specialized offices	• United Nations Environment Assembly resolution 2/4 • United Nations Environment Programme Medium-Term Strategy 2018–2021 • Programme of work 2018–2019
Economic and Social Commission for Asia and the Pacific	Special Unit on Countries with Special Needs, Subregional Office for the Pacific	• Asia-Pacific Road Map for Sustainable Development • Pacific road map for the Sustainable Development Goals • ESCAP Pacific Strategy • ESCAP resolution 71/4 (Implementation of the SIDS Accelerated Modalities of Action (SAMOA) Pathway)
United Nations Children's Fund	Regional offices	• MSDF
United Nations Development Programme	Bureau for Policy and Programme Support	• United Nations Development Assistance Frameworks (United Nations Pacific Strategy, MSDF) • Mainstreaming, acceleration and policy support missions
United Nations Population Fund	Subregional office and UNFPA programme in Mauritius	• AIMS: UNFPA Programme in Mauritius • Pacific: UNFPA Subregional Office (Fiji) • Caribbean: subregional programme for the Caribbean (MSDF), CARICOM strategic plan
Food and Agriculture Organization of the United Nations	Subregional offices and headquarters in Rome	• Global Action Programme • Programming framework for food security and nutrition in Atlantic and Indian Ocean small island developing States • Indian Ocean Commission Regional Food and Nutrition Security Programme • Country programme framework for 14 small island developing States in the Caribbean • CARICOM Regional Food and Nutrition Security Policy and Action Plan
International Telecommunication Union	Section dedicated to least developed countries, landlocked developing countries and small island developing States	• World Telecommunication Development Conference 2014 action plan

Institution	*Modes of programme delivery*	*Frameworks and strategies*
United Nations Educational, Scientific and Cultural Organization	Section on Small Islands and Indigenous Knowledge	• UNESCO Medium-Term Strategy 2014–2021 • UNESCO programme and budget for 2016–2017 • Decision adopted by the Executive Board at its 201st session • UNESCO SIDS Action Plan (2016–2021) • Report on the further implementation of the SIDS Action Plan • UNESCO Institute for Statistics data on SIDS
International Trade Centre	Offices for Latin America and the Caribbean, Pacific and Africa	• ITC strategic plan 2018–2021 • Country programmes and projects (Alliances for Action)
International Monetary Fund	Interdepartmental working group on small States	• Staff guidance note on the Fund's engagement with small developing States
International Renewable Energy Agency	Headquarters in Abu Dhabi	• SIDS Lighthouses Initiative (multi-stakeholder platform)
International Organization for Migration	Office in New York	• Migration governance framework
Partnership in Statistics for Development in the 21st Century	Office in Paris	• Annual programme of work and budget (approved at Board meetings held in April each year)

Abbreviations: AIMS, Small Island Developing States of the Atlantic, Indian Ocean, Mediterranean and South China Seas; CARICOM, Caribbean Community; ESCAP, Economic and Social Commission for Asia and the Pacific; ITC, International Trade Centre; MSDF, United Nations Multi-country Sustainable Development Framework; UNCTAD, United Nations Conference on Trade and Development; UNESCO, United Nations Educational, Scientific and Cultural Organization.

10. All of the frameworks and strategies shown in table 1 are aligned with the 2030 Agenda and other internationally agreed sustainable development agendas and processes and are reflected in the respective work programmes of the organizations concerned. Specific examples include the following:

(a) The United Nations Office for Disaster Risk Reduction has been supporting small island developing States with the development of national disaster risk reduction strategies and the alignment of existing ones with the priorities and targets of the Sendai Framework for Disaster Risk Reduction 2015–2030. The Office has also been championing coherence across the Paris Agreement, the Sustainable Development Goals, the New Urban Agenda and the Samoa Pathway, which has resulted in the development of a number of national strategies that integrate climate change and disaster risk reduction;

(b) The Pacific road map for the Sustainable Development Goals of the Economic and Social Commission for Asia and the Pacific (ESCAP) provides a clear direction for implementing the 2030 Agenda in the context of the Samoa Pathway and the Framework for Pacific Regionalism;

(c) The Global Action Programme of the Food and Agriculture Organization of the United Nations is well aligned with the Samoa Pathway and the 2030 Agenda and is aimed at strengthening coordinated action in food and nutrition security at the national and regional levels in small island developing States;

(d) The International Telecommunication Union assists small island developing States in leveraging the power of information and communications technology to achieve the Sustainable Development Goals and the development priorities identified for those States in the Samoa Pathway;

(e) The International Organization for Migration (IOM) has mapped the principles and objectives of its Migration Governance Framework against global commitments, including those outlined in the 2030 Agenda, to demonstrate how that organization's activities contribute to the Sustainable Development Goals.

11. In the case of bilateral development partners, various means are employed for engagement with small island developing States. Some partners have explicit instruments and policies specifically intended for small island developing States, such as the regional strategy of Germany for the Caribbean.[8] Others have acknowledged small island developing States more broadly in the context of their foreign policy and climate engagements. Ireland, for instance, reported that it utilizes the expertise of a network of staff drawn from a number of departments and units within the Department of Foreign Affairs and Trade who possess a sound understanding of a range of issues and policies relevant to the Samoa Pathway and sustainable development. The network includes the Deputy Director of the United Nations Policy Unit, the Climate and Resilience Policy Lead in Irish Aid, the Sustainable Development Counsellor and First Secretary at the Permanent Mission of Ireland to the United Nations in New York. Other bilateral partners channel their support through multilateral institutions, including the World Bank, or through regional initiatives and institutions, and still others provide support through partnerships with multilateral providers. Austria, for example, channelled its support to the Small Island Developing States Sustainable Energy Initiative and to the creation of a network of regional sustainable energy promotion centres in collaboration with the United Nations Industrial Development Organization (UNIDO). The funding provided by Austria also supports the partnership dialogue held in conjunction with the regional and interregional preparatory meetings for the midterm review of the Samoa Pathway.

12. A number of member States[9] that responded to the questionnaire used in the preparation of the present report confirmed that their national development plans were aligned to the Samoa Pathway, the 2030 Agenda and the Sustainable Development Goals.

B. Financing the Implementation of the Samoa Pathway in small island developing States

13. Achieving sustainable and climate-resilient development in small island developing States involves high costs. Those States face large development challenges that are directly attributable to their structural characteristics (small populations, spatial dispersion, remoteness); high perceived risks and low attractiveness to foreign investors; small and undiversified economies to generate foreign exchange, income and tax receipts; large recurrent costs; and, in some cases, high debt and little fiscal space for development investments. This complex set of

[8] Available at www.bmz.de/en/publications/archiv/type_of_publication/strategies/Strategiepapier311_11_2011.pdf.

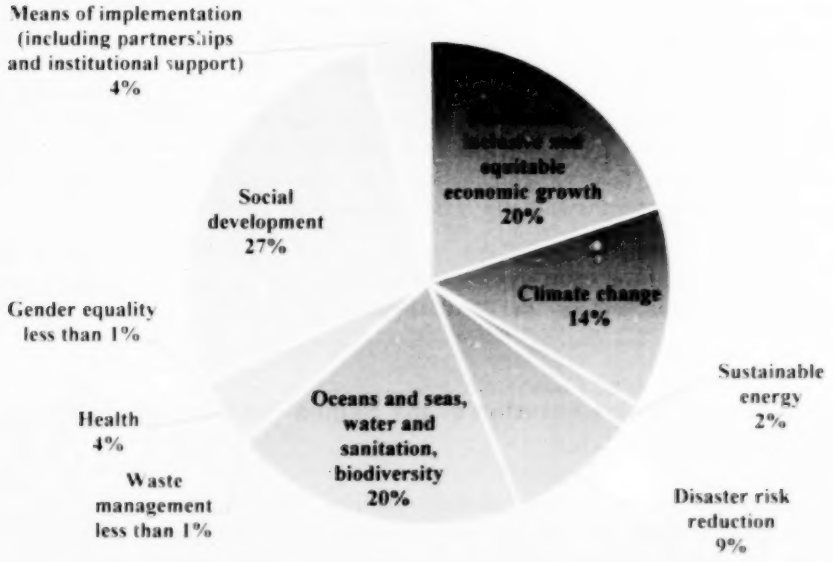
[9] Bahrain, Cuba, and the Marshall Islands.

challenges, which is exacerbated by the adverse effects of climate change and variability, leads to higher levels of overall economic vulnerability in small island developing States than in larger countries with comparable income levels.

14. To achieve sustainable development, small island developing States need to invest resources in order to respond and build resilience to increasingly devastating natural disasters, rising sea levels and other impacts of climate change. New development models and solutions that can address their specific vulnerabilities need to be explored. Many small island developing States have already started to do this, demonstrating an ambition to exploit renewable energies to end their dependence on fossil fuels and to use their vast marine resources sustainably and innovatively to boost economic growth, employment and food security. Development partners can play a more enhanced role in helping small island developing States to secure resources and invest them in sustainable development. However, those States also face significant challenges in gaining access to and absorbing resources, and in using them more catalytically to leverage additional public and private resources.

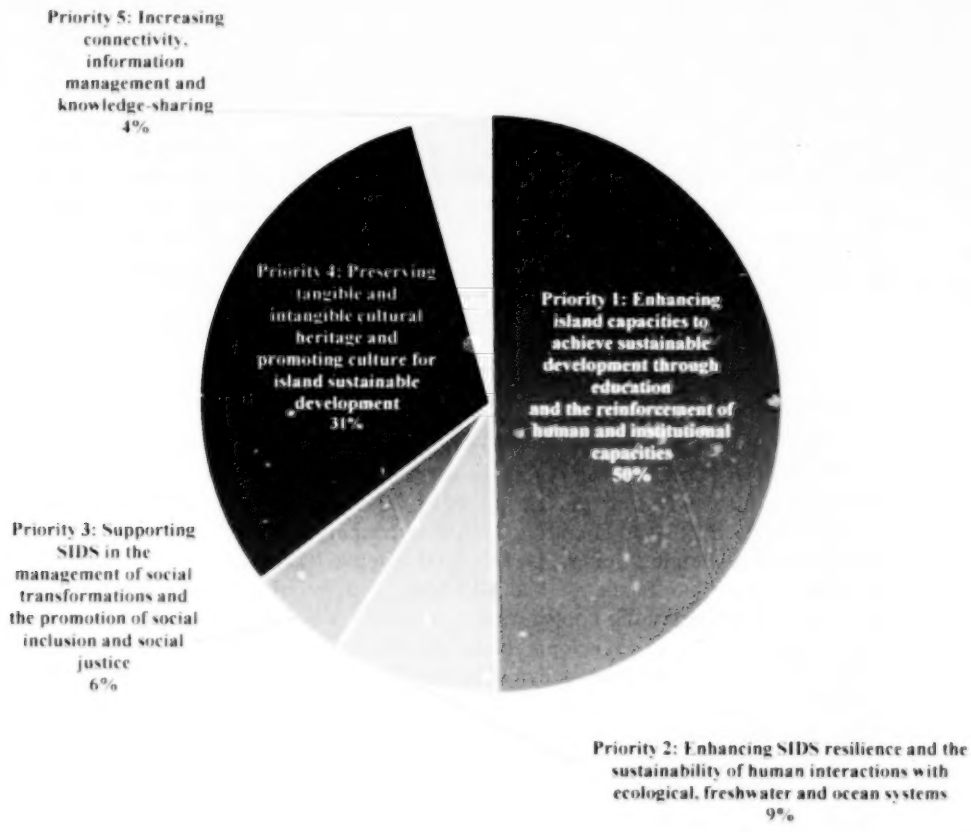
15. Financial support from multilateral development partners increased during the reporting period. In 2017, the United Nations Development Programme (UNDP) spent approximately $249.9 million, an increase of 18 per cent from 2016 ($210.6 million). Most of those resources were invested to support sustainable, inclusive and equitable economic growth, oceans and seas, water and sanitation and biodiversity. Figure I shows the breakdown of UNDP investments in small island developing States.

Figure I
UNDP investments in small island developing States


Means of implementation (including partnerships and institutional support) 4%
Social development 27%
Gender equality less than 1%
Health 4%
Waste management less than 1%
Oceans and seas, water and sanitation, biodiversity 20%
Disaster risk reduction 9%
Sustainable energy 2%
Climate change 14%
equitable economic growth 20%

16. The budget allocations of the United Nations Educational, Scientific and Cultural Organization (UNESCO) to programmes for small island developing States also saw an increase from the 2016–2017 biennium to the current biennium (2018-2019). During the period 2016–2017, UNESCO invested $7.88 million in such programmes. Budget allocations for those programmes have now reached 20 per cent of the overall UNESCO budget and are distributed across the five priority areas shown in figure II.

Figure II
UNESCO budget allocations (2016-2017) for programmes to benefit small island developing States


Priority 5: Increasing connectivity, information management and knowledge-sharing 4%
Priority 4: Preserving tangible and intangible cultural heritage and promoting culture for island sustainable development 31%
Priority 1: Enhancing island capacities to achieve sustainable development through education and the reinforcement of human and institutional capacities 50%
Priority 3: Supporting SIDS in the management of social transformations and the promotion of social inclusion and social justice 6%
Priority 2: Enhancing SIDS resilience and the sustainability of human interactions with ecological, freshwater and ocean systems 9%

17. As for other multilateral development partners, FAO invested $1.844 million in food and nutrition security in the Pacific. The United Nations Population Fund (UNFPA) spent a total of $420,000 for Mauritius and $1.27 million for the Caribbean in 2017, in addition to $1.59 million for the Pacific in the period 2014–2017. The United Nations Children's Fund (UNICEF) in Belize spent a total of $210,000 on disaster risk reduction. The International Trade Centre (ITC) invested a total of $3.8 million[10] (8.26 per cent of its total budget) exclusively in small island developing States in 2017. The United Nations Office for Disaster Risk Reduction promoted joint initiatives and partnerships to leverage resources to support programme implementation at the national and regional levels in small island developing States. UNESCO also relied on strategic partnerships to deliver cost-effective support to small island developing States. The breadth and reach of support from multilateral agencies varied according to the organizations' membership and mandates. Resources were mainly in the form of grants, which were invested in capacity-building projects, technical assistance and policy advisory services.

[10] Including expenditure to support Bahrain ($30,770).

Bilateral development partners

18. The financial support for small island developing States reported by bilateral development partners[11] during the period under review largely took the form of grant contributions, technical assistance, capacity-building and human resources development and was influenced by proximity, geopolitics and historical connections. The Russian Federation provided technical support and grant resources towards climate change and disaster risk reduction, including a contribution of $800,000 to Fiji to support its presidency of the twenty-third session of the Conference of the Parties to the United Nations Framework Convention on Climate Change. The Russian Federation also supported the Caribbean countries affected by hurricanes Irma and Maria, in particular Antigua and Barbuda ($200,000) and Cuba (1,133 tons of humanitarian goods). The Ministry of Emergency Situations of the Russian Federation, in partnership with the International Civil Defence Organization, conducted a second regional course on emergency response development at the Russian-Cuban centre for the training of fire and rescue specialists in Havana in 2017. The course was designed for fire and rescue professionals in the Caribbean. Since 2016, the Russian Federation has continued to finance a UNDP project worth $7.5 million to strengthen the disaster risk reduction capacity of small island developing States in the Pacific.

19. The Global Environment Division of the International Cooperation Bureau in the Ministry of Foreign Affairs of Japan is the country's focal point for small island developing States. During the period 2015–2017, Japan provided ¥55 billion in support for Pacific island countries, including training for 5,000 professionals from small island developing States. At the Eighth Pacific Islands Leaders Meeting, held in Iwaki, Fukushima, Japan on 18 and 19 May 2018, Pacific leaders reaffirmed their commitment to continuing cooperation with Japan, which then pledged to continue Pacific human resources development and people-to-people exchanges for the period 2018–2020. In the Caribbean, Japan continued to promote cooperation with members of the Caribbean Community (CARICOM) to reduce their vulnerabilities in the fields of the environment, disaster risk reduction, fisheries and energy. In African countries, including those belonging to the Atlantic, Indian Ocean, Mediterranean and South China Seas group, the assistance provided by Japan in the period 2016–2018 centred on developing quality infrastructure, promoting resilient health systems and laying the foundations for peace and stability. Those initiatives are being carried out through a public-private partnership involving a total investment of $30 billion.

20. The responsibility for managing the development cooperation projects of Germany in small island developing States lies with the Federal Ministry for Economic Cooperation and Development. The country's investments in the Caribbean have been directed towards climate change, sustainable energy and the oceans and seas. Some €2.3 million (0.027 per cent)[12] was invested under the climate-resilient and sustainable energy supply initiative in the Caribbean. During the reporting period, investments in marine protection projects under the Caribbean Biodiversity Fund and the management of aqua-terrestrial resources in projects under the Caribbean Aqua-Terrestrial Solutions programme totalled some €25 million (0.293 per cent) and €1 million (0.012 per cent), respectively. Germany also invested €3 million (0.035 per cent) in the development of sustainable financing structures and mechanisms for protected marine areas in small island developing States.

21. In 2017, Austria collaborated with UNIDO to facilitate the establishment of the Pacific Centre for Renewable Energy and Energy Efficiency in Tonga. In 2018,

[11] Austria, Germany, Ireland, Japan and the Russian Federation.

[12] The percentages represent the shares of the total budget of Germany invested in small island developing States priority areas in the past fiscal year.

Austria did the same in Barbados for the establishment of the Caribbean Centre for Renewable Energy and Energy Efficiency. To date, both institutions have carried out several capacity-building activities to promote sustainable energy in small island developing States. In 2016, sustainable energy programmes and projects in small island developing States accounted for 5.4 per cent of the total operating budget of the Austrian Development Cooperation programme.

22. Ireland reported that it has limited diplomatic accreditation to small island developing States, most being based in either Australia or New York. The country plans to open a new embassy in Wellington, which will increase its ability to deepen engagement across the Pacific. Ireland currently has a very small budget to support development cooperation in small island developing States. The country continues to make an annual donation of €50,000 to the trust fund to support the participation of the least developed countries and small island developing States in the Human Rights Council. A similar contribution was made to facilitate the engagement of small island developing States in the negotiations on a global compact on migration at the United Nations in 2017. Ireland also makes an annual contribution of €1.1 million to the Least Developed Countries Fund; 8 of the 47 least developed countries are small island developing States.

C. Intervention areas in small island developing States: results and achievements

23. As in previous years, interventions by international development partners in 2017 were generally concentrated in the following areas: (a) enhancing national capacities and institutions; (b) climate change and natural disasters; and (c) oceans and seas.

24. The United Nations Office for Disaster Risk Reduction supported 14 small island developing States (7 in the Caribbean, 1 in the Pacific and 6 in the Atlantic, Indian Ocean, Mediterranean and South China Seas group) in the use, development, maintenance and retrofitting of disaster loss databases, bringing the total number of Member States using the "DesInventar" disaster information management system to 99.[13] The system is used to build evidence on the vulnerabilities of small island developing States and gaps in disaster risk reduction and to guide the actions of their Governments in developing and monitoring their national disaster risk reduction and development strategies.

25. The work of the United Nations Conference on Trade and Development (UNCTAD) in small island developing States resulted in effective resilience-building action in Kiribati, Sao Tome and Principe, Solomon Islands, Timor-Leste, Tuvalu and Vanuatu. For those countries, vulnerability profiles were developed in anticipation of the 2018 review of the list of least developed countries. Other outputs included sector-specific work aimed at supporting transformational progress and building economic resilience with regard to the fisheries and tourism sectors.

26. For the United Nations Environment Programme (UNEP), the participation of small island developing States in the Clean Seas campaign[14] had a positive impact on global discussions for coordinated action on marine litter and microplastics. This led to the early ratification of the Kigali Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer, which will enter into force on 1 January 2019. UNEP also provided technical assistance to strengthen the blue economy and green economy frameworks of small island developing States. In the area of climate

[13] As of April 2018.

[14] See www.cleanseas.org.

technology, UNEP supported the establishment of climate technology centres and networks and continues to support small island developing States in the sustained implementation of multilateral environmental agreements relating to chemicals and biodiversity.

27. The activities of ESCAP in the Pacific resulted in the mainstreaming of sustainable development priorities into national planning processes, the development of targeted fiscal policies and the appropriate alignment of budgetary processes. The organization also supported Pacific small island developing States in (a) implementing the Convention on the Rights of Persons with Disabilities through the development of appropriate subregional model legislation; (b) producing environment-related indicators through in-country application of the System of Environmental-Economic Accounting; (c) identifying pertinent green finance instruments for use by small island developing States to enhance their readiness; (d) developing a common subregional position on the priority information and communications technology challenges through the Asia-Pacific information superhighway initiative; and (e) strengthening early warning systems in the Pacific through the development of geospatial data platforms (geo-portals) in Fiji, the Federated States of Micronesia, Solomon Islands and Tonga.

28. UNICEF developed guidelines to assist Pacific small island developing States in mainstreaming climate and disaster risk in policy frameworks relating to water, sanitation and hygiene. Governments were supported through capital and technical assistance programmes to enable communities, schools and health-care facilities to assess and manage risks to water and sanitation systems, improve overall preparedness and facilitate the construction of resilient communities at scale. Major activities in the Caribbean included improving the understanding of climate change and resilience through professional development in emergency preparedness and response for the Government and civil society in Belize, implementing disaster risk reduction programmes in schools in several provinces, which demonstrated its effectiveness during Hurricane Irma in Cuba, and initiating a climate landscape analysis for children study to examine the baseline situation of climate, energy and environment-related issues affecting children in Guyana.

29. In collaboration with other development partners, UNDP rolled out the mainstreaming, acceleration and policy support strategy (known as "MAPS") of the United Nations Development Group, under which UNDP initiated several missions to help countries to implement a more effective cross-thematic approach to the integrated implementation of the Sustainable Development Goals. Through those missions, UNDP supported small island developing States in achieving more with less by mainstreaming integrated approaches and allocating their limited human, financial, natural and economic resources to address their national priorities while making progress towards the Goals in their own national contexts. In 2016 and 2017, such missions were undertaken in the Comoros, the Dominican Republic, Jamaica, Mauritius, Timor-Leste, Trinidad and Tobago, and Aruba. By the end of 2018, missions to Antigua and Barbuda, Belize, Guyana, Haiti, the Federated States of Micronesia, Saint Lucia, and Samoa will have been carried out. UNDP also supported work in the areas of climate change and biodiversity in Guinea-Bissau; building capacity at the national and local levels to encourage low-carbon lifestyles, climate change adaptation and disaster risk reduction with seven other United Nations agencies in the Maldives; improving the sustainability of protected areas and monitoring six marine protected areas in Palau; disaster risk reduction, resilience building and supporting the implementation of the Low-Emission Capacity-Building Programme in Cabo Verde; and improving basic health care (Sustainable Development Goal 3) in Timor-Leste.

30. The United Nations country team in Guinea-Bissau worked with the respective focal points in various line ministries to mainstream the Samoa Pathway into the country's strategic and operational plan "Terra Ranka" for the period 2015–2020 and its vision "Sol Na Yarde" for the period 2015–2025. The capacities of more than 40 senior officials from key line ministries were strengthened. When completed, the exercise is expected to enable the development of an effective monitoring and evaluation framework for the strategic and operational plan, including appropriate national indicators for the Sustainable Development Goals and the African Union's Agenda 2063.

31. In Mauritius, UNFPA helped to draft a national population policy that integrates evidence on population dynamics, sexual and reproductive health and HIV. Similar interventions were undertaken in Barbados and Dominica, where support was provided to integrate population dynamics into national development frameworks and strategies. As part of UNFPA assistance to countries affected by Hurricanes Irma and Maria in the Caribbean, technical support was provided for the development of referral pathways for victims of gender-based violence to access essential services, and for the deployment of surge humanitarian experts in gender-based violence and sexual and reproductive health to the affected countries. UNFPA also collaborated with Caribbean regional institutions (for example, the Pan-Caribbean Partnership against HIV/AIDS and the Pan American Health Organization) and the Joint United Nations Programme on HIV/AIDS to facilitate a regional dialogue for managers and service providers on integrating programmes and services relating to sexual and reproductive health and HIV.

32. FAO continued to support the implementation of the Global Action Programme in small island developing States through its Interregional Initiative, which comprises three subregional implementation plans (Atlantic, Indian Ocean, Mediterranean and South China Seas, Pacific and Caribbean) and an interregional component to foster knowledge exchange, South-South cooperation and engagement in global forums. FAO also developed a programming framework for food and nutrition security for small island developing States in the Atlantic, Indian Ocean, Mediterranean and South China Seas to support those countries in responding adequately to the problems of food insecurity and malnutrition in all its forms. FAO also supported the formation of multi-stakeholder food and nutrition security councils in several Caribbean small island developing States to strengthen governance for food and nutrition security and to ensure effective follow-up at the national level. In the Caribbean, other achievements included the reinforcement of school feeding programmes as drivers for nutrition education and market access; parliamentarian involvement in food and nutrition security governance; sharing best practices in climate-smart agriculture, innovative technologies and youth employment opportunities for the agricultural sector and related industries; an alliance with academia and collection of evidence-based information to tackle chronic non-communicable diseases, obesity and food insecurity; and an alliance with the Inter-American Institute for Cooperation on Agriculture in support of small farmers' organizations in nine small island developing States in the Caribbean.

33. ITU implemented numerous projects and activities in 2017 in relation to capacity-building, policies and regulations regarding information and communications technology, eCommerce, eGovernance, innovation, disaster risk management and emergency telecommunications, cybersecurity and connectivity.[15]

34. UNESCO carried out a wide variety of activities in the five priority areas of its SIDS Action Plan.[16] Focusing on system-wide policy and planning has enabled

[15] See www.itu.int/en/ITU-D/LDCs/Pages/SIDS_Projects.aspx.

[16] See https://en.unesco.org/sites/default/files/unesco_sids_events_2017.pdf.

several member States to complete the Education for All cycle and to mainstream Sustainable Development Goal 4 into national education sector plans and strategies. In the area of environmental, ocean, freshwater and natural resources sustainability, UNESCO continued to support many small island developing States in improving groundwater governance, adaptation to climate change, integrated water resource management and the provision of water services in the context of climate change. The support provided by UNESCO to small island developing States has bolstered their scientific understanding of ocean and coastal processes, enabling them to improve their management of human interactions with the ocean. Related to this is the development and implementation of policies for healthy ocean ecosystems in small island developing States[17] and support for the strengthening of institutional capacities for the sustainable management of ocean and coastal resources. UNESCO also supported work in the areas of disaster risk reduction, climate change, science, technology and innovation, social development, culture and data, and statistics.[18]

35. ITC reported that it had achieved expansion and replication of the Alliances for Action[19] approach to support the development of resilient value chains in the Caribbean, strengthened institutions and business support organizations, and reinforced the international competitiveness of micro-, small and medium-sized enterprises by helping them to change their business operations through support and training.

36. The International Renewable Energy Agency enhanced local capacity in small island developing States through workshops designed to identify new project opportunities and explore practical steps to the development of bankable projects in 10 Pacific small island developing States.[20] The islands module of the Agency's Project Navigator was developed in 2017 to support project developers in the preparation of bankable renewable energy projects. National planning in small island developing States has been improved through the provision of targeted support for energy sector planning, such as grid integration studies and road map analysis. Information is regularly shared through the Agency's website (http://islands.irena.org/) to support the dissemination of information to small island developing States. Access to financing was provided through the International Renewable Energy Agency-Abu Dhabi Fund for Development Project Facility, which grants concessional loans to promising renewable energy projects over seven funding cycles. Of the 21 projects selected, 10 projects in small island developing States were provided with $111 million in funding. At the end of 2017, data from the Agency show that small island developing States that are partners in the SIDS Lighthouses Initiative currently account for more than 2.75 GW of total installed renewable energy capacity. More than 400 MW of renewable energy capacity was installed from 2014 to 2017. Small island developing States have already exceeded the solar photovoltaic power target of the Lighthouses Initiative, with over 250 MW installed from 2014 to 2017. The wind power target has also been exceeded, with over 50 MW installed in the same period. The resources mobilized in support of small island developing States have already exceeded the 2020 target of $500 million.

37. The work of the International Organization for Migration centres on emergency preparedness and response assistance and the implementation of its migration, environment and climate change portfolio. On climate change, the activities of IOM include the provision of support for strengthening evidence-based planning and policy

[17] See www.ioc-unesco.org/.

[18] See http://unesdoc.unesco.org/ulis/cgi-bin/ExtractPDF.pl?catno=252788&lang=e&from=17&to=19&display=2&ts=1516874939.

[19] The Alliances for Action model engages smallholder farmers and micro-, small and medium-size enterprises in order to manage risk and facilitate networks that provide the required technical expertise, and targets catalytic investment to address systemic challenges.

[20] Fiji, Maldives, Marshall Islands, Nauru, Niue, Palau, Papua New Guinea, Samoa, Tonga and Tuvalu.

development and promoting dialogue and the development of programmes to address human mobility in the context of environmental change, land degradation, natural disasters and climate change. As regards capacity-building, IOM contributed to enhancing policymakers' and practitioners' understanding of the links between migration, climate and the environment and provided them with information on how to address human mobility-related issues at the national, regional and international levels, including in climate change conventions and related negotiations.

38. In pursuit of its advocacy mandate, the Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States convened and participated in 17 events specifically relating to small island developing States during the reporting period. These included a high-level dialogue on oceans and small island States co-organized with the Alliance of Small Island States and the Small Island Developing States Sustainable Energy Initiative on the sidelines of the United Nations Conference to Support the Implementation of Sustainable Development Goal 14: Conserve and sustainably use the oceans, seas and marine resources for sustainable development (Ocean Conference), held in June 2017. The event resulted in announcements of voluntary commitments for small island developing States that directly contributed to the outcomes of the Conference. The Office of the High Representative also convened a two-day consultative meeting of small island developing States and their development partners to discuss how the bodies and organizations of the United Nations system can best support the efforts of those States in the context of the ongoing United Nations sustainable development reform processes as well as preparatory processes leading to the midterm review of the Samoa Pathway.

39. The support provided by the World Bank to small States was based on the following three pillars: (a) enhancing concessional financing to address vulnerability; (b) attracting private financing for small States and (c) building client capacity through flexible policies. The World Bank road map for engagement in small States, launched in 2017, lays out how the World Bank Group addresses the concerns of small States. Table 2 shows the specific efforts and activities of each pillar.

Table 2
Activities under the World Bank road map for engagement with small States

Enhancing concessional financing to address vulnerability
• Focusing on successful implementation of significant scaling-up of International Development Association funding • New debt sustainability framework for low-income countries that integrates vulnerability • Mobilizing climate finance and integrating resilience into development planning • Examining the links between vulnerability and concessional finance
Attracting private financing for small States
• Maximizing finance for development using new and existing platforms • Helping to address the negative impacts of de-risking on access to financial services • Supporting economic diversification with a focus on the blue economy and fisheries
Building client capacity through flexible policies
• Using World Bank financing instruments tailored to the needs of small States • Deploying the new procurement and safeguards framework for capacity support • Facilitating knowledge exchange for small States

40. The engagement of the International Monetary Fund (IMF) with small island developing States continued through its economic surveillance, programme support

and capacity development activities. On economic surveillance, IMF provided macroeconomic policy advice to small island developing States, thereby promoting the macroeconomic stability of individual countries and global economic and financial stability. Under the Fund's support programme, the financial needs of small island developing States are met through emergency financing facilities and instruments such as the Rapid Credit Facility and the Rapid Financing Instrument. The Fund's capacity-building activities contributed to assisting small island developing States in increasing their macroeconomic resilience and strengthening their institutional capacities in public financial management, tax policy and administration, banking sector supervision and central bank management, and statistics, among other areas. IMF also produced analytical work that strengthened the understanding of the economic challenges facing small States and helped to sharpen the organization's policy advice.[21] The staff guidance note on the Fund's engagement with small island developing States[22] was updated in January 2018. The Fund also plays a leading role in monitoring risks and advising its membership on policies to help to tackle the adverse impact of the withdrawal of correspondent banking relationships. Caribbean small island developing States in particular have been challenged by the disruption of those relationships. The role of IMF included facilitating dialogue among stakeholders, fostering an enhanced understanding of the phenomenon in the context of surveillance and financial sector assessment programmes, and providing technical assistance and training to help affected countries to enhance their monitoring of correspondent banking relationships and strengthen their legal, regulatory and supervisory frameworks. To achieve those objectives, IMF has been collaborating with various partners.

41. The Partnership in Statistics for Development in the 21st Century contributed to strengthening the statistical systems of small island developing States, in particular their national statistics offices. The organization's activities have helped to improve the status of national statistics offices and have facilitated enhanced cooperation and coordination between and among data producers and data users. This has resulted in improved engagement and, in some instances, strengthened partnerships for data production and use, as well as the identification of data gaps/needs relating to the monitoring and identification of priority areas for statistics development through the formulation of statistics strategies that are aligned with national development plans. Specific achievements include the development of new guidelines for National Strategies for the Development of Statistics for small island developing States 2018,[23] the formulation of the CARICOM Regional Strategy for the Development of Statistics and assessments of the national statistical systems in Grenada, Jamaica and Fiji in 2017.

42. The Partnership in Statistics for Development in the 21st Century also facilitated the establishment of the annual round-table meeting of small island developing States on the sidelines of Statistical Commission meetings, co-hosted by the Partnership, the Small Island Developing States Unit of the Division for Sustainable Development Goals in the Department of Economic and Social Affairs, and the Office of the High Representative in collaboration with CARICOM and the Pacific Community.

43. The Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States continued to

[21] See IMF, "Challenges in Correspondent Banking in the Small States of the Pacific", working paper WP/17/90; and "Loss of Correspondent Banking Relationships in the Caribbean: Trends, Impacts, and Policy Options", *Unleashing Growth and Strengthening Resilience in the Caribbean* (2017).

[22] Available at www.imf.org/en/Publications/Policy-Papers/Issues/2018/01/26/pp121117-2017-staff-guidance-note-on-the-funds-engagement-with-small-developing-states.

[23] See http://paris21.org/news-center/news/release-new-nsds-guidelines-sids.

increase the number of private sector organizations joining the Global Business Network, an online platform and resource hub aimed at improving connections between entities in the national and regional private sectors of small island developing States, global businesses and other relevant stakeholders. Together with the Government of Mauritius, the Office of the High Representative hosted the third forum of the Global Business Network under the overarching theme "Strengthening private sector partnerships for sustainable tourism development" in Mauritius in May 2018. The forum addressed the links between tourism and other cross-cutting sectors such as cultural heritage, renewable energy, connectivity, sustainable oceans and finance, and concluded with the announcement of several new partnerships involving the private sector to support small island developing States in their implementation of the Samoa Pathway.

44. In 2017, the Department of Economic and Social Affairs, in collaboration with the Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States, co-hosted a high-level breakfast event during the seventy-second session of the General Assembly, focusing on how to harness synergies between the implementation of the 2030 Agenda and the Paris Agreement, with an emphasis on countries in special situations.[24] In November, during twenty-third session of the Conference of the Parties to the United Nations Framework Convention on Climate Change, the Department of Economic and Social Affairs, also in collaboration with the Office, the President of the Conference (Fiji) and the incoming President of the twenty-fourth session (Poland), co-hosted a high-level event aimed at strengthening dialogue, encouraging coordination and renewing global focus on and attention to the need for coherent, enhanced action and support, including finance, technology and capacity-building, to address the losses and damage associated with the adverse effects of climate change.[25] In June 2018, the Department of Economic and Social Affairs, in collaboration with the Government of Fiji and the National Engineering Research Centre for Juncao Technology of the Fujian Agriculture and Forestry University of China, organized a capacity-building workshop on *juncao* technology in Nadi, Fiji, on the topic of achieving sustainable agriculture and the Sustainable Development Goals for Pacific small island developing States.

Member States[26]

45. In Bahrain, the Economic Vision 2030 and the Government's five-year action plan are aligned with the 2030 Agenda. The Marshall Islands has a national strategic plan that is updated every three years. The Economic Policy, Planning and Statistics Office of the Marshall Islands is the country's focal point for the Samoa Pathway and also oversees the implementation of the national strategic plan and the Sustainable Development Goals. To date, the country has seen the capacity of its government professionals enhanced through training and other programmes funded by the National Training Council, and it has achieved greener school environments through "clean school" programmes and by banning the use of plastic bags. The country is now in the final phases of developing a national strategic plan for the management of waste and hazardous waste, a national energy road map and five community resource management plans.

46. Cuba has a national plan for economic and social development that sets out the country's development goals for 2030. Cuba also has a national policy for combating climate change and has developed policies and action plans to address renewable

[24] See https://sustainabledevelopment.un.org/?page=view&nr=2481&type=13&menu=1634.

[25] See https://sustainabledevelopment.un.org/?page=view&nr=1373&type=230&menu=2059.

[26] In this subsection, the efforts of small island developing States that responded to the questionnaire, namely, Bahrain, Cuba and the Marshall Islands, are described.

energy and energy efficiency. Progress has also been made in women's empowerment and in improving the quality of the health system. Universal health coverage, including free health care for citizens, has been achieved and represents 20.3 per cent of the total current expenditure of the Government. In addition, Cuba is now the first country in Latin America and the Caribbean to have met all the global objectives of the Education for All initiative.

D. Key challenges and gaps in small island developing States

47. While small island developing States face many common challenges, the differences among them indicate that tailored development approaches are required to meet their specific needs. At the same time, there is much scope for mutual learning across the geographical regions. Regional bodies such at the CARICOM secretariat and the Pacific Islands Forum secretariat have been successful in bringing together countries in their regions to build expertise, exchange views and develop common policy options. No such regional body exists in the Atlantic, Indian Ocean, Mediterranean and South China Seas group. This could be an opportunity for mutual learning.

48. The following is an overview of some of the specific challenges that have slowed the pace of implementation of the Samoa Pathway in small island developing States. The challenges can be grouped as follows:

(a) Weak legal and institutional capacities for effective governance;

(b) Inadequate data and statistics for monitoring and evaluation;

(c) Limited human and financial resources to support systematic implementation.

49. UNODC identified weak national governance mechanisms and corruption as a root cause of the weak development performance of Pacific small island developing States. In the Caribbean, limited access to funding and limited fiscal space for investment have been identified as key challenges to progress. Another limitation identified is that key donors often prefer to engage in bilateral cooperation rather than to pursue regional approaches to supporting countries. Better coordination between donors and implementing agencies could lead to more cost-efficient support delivered to small island developing States.

50. ESCAP often encountered operational challenges that reflect the structural barriers common in small island developing States, such as high transportation costs and limited information and communications technology infrastructure, which hampers the use of technology for virtual meetings as a substitute for face-to-face communication. Another challenge is the lack of appropriate national monitoring and evaluation frameworks for measuring progress and the lack of clear articulation of the links between the 2030 Agenda and public policies in the Pacific. To overcome this challenge, ESCAP has developed numerous regional sectoral frameworks and strategies to ensure coherence between the various processes and to identify convergence points and gaps.

51. UNICEF identified a variety of challenges, including major data gaps at the national level, which make it difficult to monitor progress against national and regional priorities; insufficient financial and human resources; a lack of strategies to change the public's attitude towards the sustainable use and conservation of natural resources; limited promotion of public-private partnerships as a means of leveraging additional financial resources; limited funding for training, in particular for personnel within government departments; a lack of educational materials to aid in public awareness, education and training; the challenge of harmonizing and synchronizing

individual sector plans and strategies; overlaps in sector plans, resulting in potential overlaps in legal mandates; a lack of timely reviews and evaluation of the planning process, resulting in inadequate feedback loops; limited resources and plans in disaster risk reduction and emergency preparedness to ensure coordination in mitigation across the various sectors, particularly for a level 3 emergency; and weak coordination by Governments for meetings among different partners for the implementation of the Samoa Pathway.

52. UNDP identified specific challenges by country (see table 3).

Table 3
Challenges identified by UNDP in specific countries

Country	*Challenges*
Cabo Verde	• Financing for development since graduating to status of middle income country
	• Limited national capacity to produce and use accurate statistical data, in particular environmental data
	• Links between data production and planning monitoring processes
Comoros	• Absence of a special unit for small island developing States/small island developing States legal framework
	• Lack of appropriation and communication on the Samoa Pathway strategy and implementation
	• Low capacity of human resources to mobilize resources
Guinea-Bissau[a]	• Political instability
	• Poor national capacity to produce accurate data
	• Communication constraints and/or absence of safe sea transportation
	• Absence of baseline indicators
Palau	• Low capacity of grantees, delayed implementation, results-based reporting
	• Need for stronger partnerships and better communication and linkage
Timor-Leste	• Lack of a clear commitment on the part of the national Government and lack of public understanding of the Samoa Pathway

[a] Also reported by the United Nations country team in Guinea-Bissau.

53. UNFPA mentioned similar constraints, citing the limited availability of human and financial resources at the national level and of relevant, quality data in the Caribbean region. Evidence-based advocacy and policy dialogue are ongoing and require strategic investments to coherently address the gaps identified. In the Pacific, within the context of disaster risk reduction and humanitarian response, UNFPA identified a need to utilize existing demographic data more systematically and effectively to understand baselines and to conduct more accurate analyses of the issues affecting target populations, by age group, vulnerability group and sex.

54. In coordinating the implementation of the Global Action Programme, FAO reported that it had encountered the challenges of limited resources and available capacity at the national level. There were also challenges relating to the involvement

of regional and subregional institutions and a lack of adequate monitoring and evaluation mechanisms at the national level.

55. ITU encountered challenges relating to the limited financial resources of national governments to invest in information and communications technology, the limited collection of statistics on information and communications technology, and challenges in the effective and coordinated use of emergency telecommunications in rescue operations in the immediate aftermath of disasters. Potential solutions include the development of partnerships that could provide appropriate technical expertise, build institutional and human capacity, support infrastructure development, leverage additional financial resources and narrow the digital divide.

56. UNESCO encountered challenges associated with high turnover among senior government officials, which often lead to delays in programme implementation, limited human and financial resources and a lack of fast-tracked procedures that could support rapid and more effective action.

57. The International Renewable Energy Agency also encountered challenges relating to the limited capacity of national governments and a lack of data, or poor-quality data, for decision-making. Since small island developing States are faced with limited human capacity all along the renewable energy value chain, capacity-building efforts have to be increased to improve the skills of individuals and institutions.

58. The World Bank indicated that small island developing States continue to face challenges in accessing financing for development, particularly after natural disasters. The Bank has a new suite of financial instruments to support small island developing States, including the Contingent Development Policy Instrument, which allows countries to access contingent financing within 48 hours after the declaration of a national emergency. Insurance is a critical pillar of resilience and disaster risk financing, and in this regard the World Bank has helped to create and capitalize catastrophe risk pools in the Caribbean and the Pacific that disburse payments within one to two weeks following a disaster event. The Bank also offers capacity training on debt sustainability through workshops delivered in collaboration with IMF, as well as budget support packages, when necessary, in collaboration with the Inter-American Development Bank.

59. The Partnership in Statistics for Development in the 21st Century cited inadequate financing from both domestic and external sources to support any meaningful development and improvement in national statistical systems. Most small island developing States rely on external support to undertake critical statistical activities that would produce statistics for monitoring.

60. The challenges facing the Marshall Islands relate to limited human and financial resources for the implementation of planned priorities. The country has sought assistance to implement a number of its projects and activities and has been able to access international development assistance from multiple development partners, such as UNDP, the World Bank, the Asian Development Bank and the Global Environment Facility to implement key aspects of the Samoa Pathway.

61. For Cuba, the intensification of the commercial and financial economic blockade has had a negative impact on access to external financing. The blockade has created serious difficulties in access to the finance, technology, equipment, resources and technical knowledge required for sustainable development.

E. Partnerships for small island developing States

62. In a recent study[27] conducted by the Secretariat on the 315 partnerships for small island developing States registered on the SIDS Action Platform, it was noted that one third of the partnerships were largely devoted to the oceans and seas. Knowledge transfer comprised 25.7 per cent of the partnerships, followed by sustainable energy (13.7 per cent) and disaster risk reduction (13.3 per cent). Over 50 per cent of the partnerships are reported to be on track in terms of implementation. The analysis also revealed that the major challenges associated with partnerships involving small island developing States include inadequate financial viability owing to size and the adverse effects of political and policy nuances. The ever-increasing impact of climate change and financial debt burdens have also hindered implementation.

63. Recommendations for action include the greater involvement of young people in knowledge transfer, more community involvement in decision-making and project design, the use of traditional knowledge, the need to design sustainable energy projects to focus more on energy security over mitigation objectives, and the need to weigh the environmental losses from tourism against the economic benefits.

64. Responding to the questionnaire used in the preparation of the present report, the United Nations Office for Disaster Risk Reduction indicated that it has been working to implement the following partnerships: Pacific Islands Private Sector Organization; scientific and technical advisory committees for disaster risk reduction in all regions; networks of private sector entities set up in each region; partnerships with city officials and local authorities in the context of the resilient cities campaign and the implementation of local disaster risk reduction plans; and partnerships with international financial institutions. ESCAP confirmed the establishment of the Ocean Accounts Partnership following a series of resolutions on the blue economy and oceans governance. UNFPA engaged in new partnerships with the Caribbean Family Planning Affiliation and the Jamaica Red Cross to facilitate the provision of life-saving items and services in the areas of sexual and reproductive health and gender-based violence prevention. FAO concluded letters of agreement with the University of the West Indies and the University of Guyana to support sustainable school feeding programmes, address non-communicable diseases and establish a food and nutrition security institute in Guyana.

IV. Monitoring and follow-up

65. This section includes activities conducted during the reporting period in response to requests of the General Assembly.

High-level political forum on sustainable development 2018

66. The high-level political forum on sustainable development in 2018 held a thematic review under the theme "Transformation towards sustainable and resilient societies: SIDS perspective", during which it examined the issue of building island and community resilience through the lens of water and sustainable energy. Reducing poverty, triggering economic growth and building resilient societies require harnessing the potential of ecosystems to satisfy demand for water and energy, which are essential for life, health and well-being, and economic growth and development.

[27] Available at https://sustainabledevelopment.un.org/content/documents/18577Review_of_Partnerships_for_SIDS.pdf.

67. Of the 47 countries that volunteered to be reviewed and to present national reports in 2018, five were small island developing States, namely, the Bahamas, Cabo Verde, Jamaica, Kiribati and Singapore.[28]

Needs assessment

68. The Secretariat, on an exceptional basis, without setting a precedent and within existing resources, conducted a transparent and clearly substantiated needs assessment[29] of the Small Island Developing States Unit and the Small Island Developing States Subprogramme of the Office of the High Representative for Least Developed Countries, Landlocked Developing Countries and Small Island Developing States. The Joint Inspection Unit found that resources had not increased over a period during which the mandates of the Small Island Developing States Unit and the Office of the High Representative had expanded significantly. The Joint Inspection Unit recommended a review to evaluate the current allocation of resources, as well as their effective and efficient use, with a view to improving governance and effective coordination in the delivery of the respective mandates. The report on the needs assessment will be submitted to the Assembly for consideration at its seventy-third session.

Coordination by the Secretariat

69. The Small Island Developing States Unit and the Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States[30] continued to take steps to strengthen the coordination and complementarity of their work in support of small island developing States through the following actions:

(a) Continuing to chair the Inter-agency Consultative Group on Small Island Developing States on an alternating basis. A notable achievement was the adoption of the Group's terms of reference in September 2017;

(b) Joint organization of side events relating to small island developing States, convened during major United Nations conferences and meetings;

(c) Support for the work of the Steering Committee on Partnerships for Small Island Developing States, including the hosting of the annual global multi-stakeholder small island developing States partnership dialogue; in response to paragraph 28 of General Assembly resolution 72/217, the two offices established a joint programme of work for the preparatory processes for the midterm review of the Samoa Pathway, scheduled for September 2019, and adopted joint plans for resource mobilization to finance those processes.

V. Conclusion

70. The United Nations system and other international bilateral and multilateral development partners continued to support the efforts of small island developing States in implementing the Samoa Pathway and the Sustainable Development Goals. Despite the myriad of challenges they face, small island developing States continue to make progress. The international community must continue to deliver effective support and assistance to these vulnerable countries.

[28] Summaries of the national reports can be accessed at https://sustainabledevelopment.un.org/hlpf/2018#vnrs.

[29] General Assembly resolution 72/217, para. 20.

[30] See also paragraphs 42 and 43.

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Item 74 (b) of the provisional agenda*
Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Universality, cultural diversity and cultural rights**

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report prepared by the Special Rapporteur in the field of cultural rights, Karima Bennoune, submitted in accordance with Human Rights Council resolution 37/17.

* A/73/150.

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Report of the Special Rapporteur in the field of cultural rights

Summary

To mark the seventieth anniversary of the Universal Declaration of Human Rights, the Special Rapporteur examines the cultural rights approach to the universality of human rights, and the close interrelationship between universality and cultural diversity. She enumerates current threats to universality, calling for foundational renewal and vigorous defence of this principle.

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I. Introduction: universality, cultural diversity and cultural rights in 2018 and beyond

1. The universality of human rights is one of the most important principles codified in international law during the twentieth century. It is the central idea of the Universal Declaration of Human Rights and a foundational aspect of the entire human rights system. Universality greatly enhances the lives of all human beings everywhere and advances equality, dignity and rights, including cultural rights, and will continue to do so in this twenty-first century and beyond if fully implemented, nourished and revitalized.

2. Universality means that human beings are endowed with equal human rights simply by virtue of being human, wherever they live and whoever they are, regardless of their status or any particular characteristics. Universality must be understood as closely related to other core human rights principles of interdependence, indivisibility, equality and dignity. In practice, it is a critical tool for the United Nations human rights system, diverse regional human rights mechanisms and human rights defenders around the world.

3. However, universality is currently under sustained attack from many directions, including from some Governments, from some on the political right and left, from some non-State actors, including extremists, fundamentalists and populists around the world, and even from some quarters in academia, including those who misuse culture and cultural rights justifications. This poses many challenges for the enjoyment of all human rights, including cultural rights. Cultural rights are a critical component of the universal human rights system, and that system provides their greatest guarantee. Cultural rights are a vital component of universality, and universality is essential to defend the foundations of cultural rights: the flourishing of cultural diversity, cultural mixing and openness, and the right of everyone to take part in a dynamic cultural life without discrimination.

4. The United Nations High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, asked in his farewell address to the Human Rights Council at its thirty-eighth session: "why is the Universal Declaration, and the whole body of human rights law that followed it, the object of so much attack now ...?" He attributed this to an instrumentalization of history, to political self-interest and narrow-minded nationalism, and appealed to the members of the Human Rights Council, and indeed to all of us, "to speak louder and work harder for the common purpose and for universal human rights law ..." noting rightly that "the human rights ideal has been the most constructive movement of ideas in our era".[1]

5. We must heed High Commissioner Zeid's appeal. In view of the attacks, we need more than platitudes. We need a foundational renewal of universality, and one which looks back to key standards, histories and achievements, but also forward to sustaining and reinvigorating itself in the future with a broad youth constituency. Human rights advocates and experts must redouble their efforts both to defend the universality of human rights, including cultural rights, and cultural diversity, in accordance with international standards. They must enhance their strategies in both regards.

6. The United Nations Educational, Scientific and Cultural Organization (UNESCO) Universal Declaration on Cultural Diversity stresses that "culture takes diverse forms across time and space. This diversity is embodied in the uniqueness and plurality of

[1] Zeid Ra'ad Al Hussein, United Nations High Commissioner for Human Rights, opening statement and global update on human rights concerns to the thirty-eighth session of the Human Rights Council, Geneva, 18 June 2018.

the identities of the groups and societies making up humankind. As a source of exchange, innovation and creativity, cultural diversity is as necessary for humankind as biodiversity is for nature. In this sense, it is the common heritage of humanity and should be recognized and affirmed for the benefit of present and future generations" (art. 1). It is further emphasized that respect for cultural diversity is a guarantor of international peace and security and of social cohesion, and a root of development, as well as "an ethical imperative, inseparable from respect for human dignity" (art. 4). It grounds respect for cultural diversity in a commitment to the implementation of universal human rights, in general, and the Universal Declaration of Human Rights, in particular. The concept is not an override of universality: "no one may invoke cultural diversity to infringe upon human rights guaranteed by international law, nor to limit their scope" (art. 4).

7. In recent years, respect for cultural diversity has been threatened by those who deny this human reality and seek to impose monolithic identities and ways of being, by those who advocate various forms of supremacy and discrimination, and by diverse populists, fundamentalists and extremists (see A/HRC/34/56 and A/72/155). Cultural diversity is still wrongly understood as being in opposition to universality, including by some Governments and other actors who misuse it as an excuse for violations of the very universal human rights within which its enjoyment is explicitly embedded, and by others who oppose the concept altogether.

8. In this discussion, we must recognize the very real histories of forced assimilation that have sometimes been imposed, inter alia, on indigenous peoples, minorities and people living under colonialism and the disdain with which their cultural resources have often been treated. Universality is about human dignity, not about homogeneity. But we must also recognize the diversity of diversities, not only between, but within all human collectivities,[2] and the fact that, among others, women, minorities, freethinkers and persons targeted because of their sexual orientation or gender identity have also been wrongfully subject to hegemony and abuse within groups.

9. The Special Rapporteur is unequivocally committed to the principle of the universality of human rights and to cultural diversity and to recognizing and reinforcing the organic relationship between these two commitments. "Provided that cultural rights are fully understood as being part of the wider human rights system and therefore grounded in existing norms and principles of international human rights law, they allow for an enriched understanding of the principle of universality of human rights by taking into consideration cultural diversity" (A/HRC/14/36, para. 3).

10. In the present report, the Special Rapporteur will focus on the cultural rights approach to the universality of human rights, on the close interrelationship between universality and cultural diversity, and on the ways that the fuller realization of cultural rights can contribute to enhancing and defending the universality of human rights. In preparing it, she held two expert consultations, in Geneva and New York, convening experts from every region of the world, with a range of perspectives.[3]

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[2] "The recognition of diversity within different cultures is extremely important in the contemporary world, since we are constantly bombarded by oversimple generalizations about "Western civilization", "Asian values", "African cultures" and so on. These unfounded readings of history and civilization are not only intellectually shallow, they also add to the divisiveness of the world in which we live." Amartya Sen, *Human Rights and Asian Values* (New York, Carnegie Council for Ethics in International Affairs, 1997). Available at www.carnegiecouncil.org/publications/archive/morgenthau/254.

[3] As in previous reports, country situations mentioned herein include cases that have been the subject of previous consideration by United Nations mechanisms and officials, reports from States, multilateral institutions and civil society organizations.

11. This is a key moment to explore these important connections. We must find effective ways of making clear that: (a) cultural rights are not a justification for violations of human rights or attacks on universality, nor are they tantamount to cultural relativism; and (b) respect for cultural rights and cultural diversity, without discrimination and in accordance with international standards and as interpreted by human rights bodies, is a core aspect of implementing universality. These are, in fact, conjoined tasks. Moreover, the defence of cultural rights in accordance with international standards is, actually, a defence of universality and vice versa.

12. The celebration of the seventieth anniversary of the Universal Declaration of Human Rights in 2018 and of the tenth anniversary of the creation of the mandate of the Special Rapporteur in the field of cultural rights in 2019 represent opportunities to further explore these important connections, take stock of the manner in which the development of cultural rights has changed the debate on the relationship between universality and cultural diversity and highlight how we may best defend and promote a universality that is both principled and inclusive, rock solid and thoughtful, pluralist and global, and grounded in the struggle against all forms of discrimination, and that takes into consideration the human rights of all, including those who have historically been marginalized.

II. Legal standards and frameworks on universality and diversity

13. Cultural rights are an expression of and a prerequisite for human dignity. They protect the rights of each person, individually and with others, as well as groups of people, to develop and express their humanity, their world view and the meanings they assign to human existence and development through, inter alia, values, beliefs, convictions, languages, knowledge and the arts, institutions and ways of life. They also protect access to cultural heritage and resources that allow such identification and development processes to take place. Thus, they are strong vectors for both universality and cultural diversity.

14. The mandate of the Special Rapporteur in the field of cultural rights was tasked from its creation with studying the relationship between cultural rights and cultural diversity (Human Rights Council resolution 10/23, para. 9 (d)).[4] As the Special Rapporteur has reiterated, cultural rights are not tantamount to cultural relativism. They are not an excuse for violations of other human rights. They do not justify discrimination or violence. They are not a licence to impose identities or practices on others or to exclude them from either in violation of international law. They are firmly embedded in the universal human rights framework. As such, limitations on the right of everyone to take part in cultural life in certain circumstances have been acknowledged and defined by the Committee on Economic, Social and Cultural Rights in its general comment No. 21 (2009) on the right of everyone to take part in cultural life (para. 19), in particular in the case of negative practices, including those attributed to customs and traditions, that infringe upon other human rights. This is reminiscent of article 30 of the Universal Declaration of Human Rights, which stipulates that "nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein".[5] Hence, the implementation of human rights must take into consideration respect for cultural

[4] See also Farida Shaheed, Special Rapporteur in the field of cultural rights, statement by the first mandate holder to the fourteenth session of the Human Rights Council, Geneva, 31 May 2010.

[5] See also General Assembly resolution 47/135, annex (Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities), art. 8 (2).

rights, even as cultural rights themselves must take into consideration respect for other universal human rights norms.

A. Relevant international human rights standards on universality and cultural diversity

15. Universality is the cornerstone of human rights law, which likewise enshrines this principle. Article 1 of the Universal Declaration of Human Rights affirms that "all human beings are born free and equal in dignity and rights". Article 2 adds specificity, making clear that neither cultural category nor political status can justify exemption from rights protection.

16. In this seventieth anniversary year and beyond, we have an obligation to remind ourselves of the contributions made by women and men from around the world to the Universal Declaration of Human Rights, and to promote and share the truly global history of this foundational document. Those who tell exclusivist tales about it are spreading dangerous myths and should study the facts, including those contained in the annex to the present report.

17. Today the Universal Declaration of Human Rights is understood by many to be a statement of customary international law[6] and also an authoritative statement of obligations under the human rights provisions of the Charter of the United Nations. Its provisions have been affirmed and adopted in constitutions of countries in all regions and in legally binding treaties.

18. The Charter of the United Nations has specifically endorsed the framework of universal rights in treaty form. In Article 55, the United Nations is mandated to promote "universal respect for, and observance of, human rights and fundamental freedoms for all without distinction", and in Article 56, States pledge to take action to that end.

19. States have reiterated their commitment to universality in, inter alia, standards such as the Vienna Declaration and Programme of Action of 1993, in which they reaffirmed "the solemn commitment of all States to fulfil their obligations to promote universal respect for, and observance and protection of, all human rights and fundamental freedoms for all in accordance with the Charter of the United Nations, other instruments relating to human rights, and international law. The universal nature of these rights and freedoms is beyond question" (para. 1). This document reiterates that "all human rights are universal, indivisible, and interdependent and interrelated ... While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne it mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights" (para. 5).[7] Selective citation of this last provision, omitting the second clause regarding State duties, misrepresents the relationship between cultural rights and the universal rights framework.

20. Women's human rights experts have reminded us that this Declaration's reconfirmation that human rights are universal was one of its most important achievements. Since women's human rights are often prime sites of threat to universality, the affirmation that women's rights are human rights, and hence included within the ambit of universality, was also momentous. "the defense of the universality of rights for women is also crucial to any defense of the universality of human rights; if the violation of the rights of half of humanity can be conditional in the name of

[6] See, among others, John P. Humphrey, *Human Rights and the United Nations: A Great Adventure* (Dobbs Ferry, New York, Transnational Publishers, 1984), p. 75.

[7] See A/CONF.157/24 (Part I), chap. III (Vienna Declaration and Programme of Action).

culture, religion or nationality, then the rights of anyone can be so conditioned".[8] These commitments were reiterated in the Beijing Declaration and Platform for Action in 1995, in which it was asserted that "any harmful aspect of certain traditional, customary or modern practices that violates the rights of women should be prohibited and eliminated".[9] This represented the international community reaffirming article 5 (a) of the Convention on the Elimination of All Forms of Discrimination against Women. In other words, equality and universal human rights are not overridden by culture or what is claimed to be culture.

21. General Assembly resolution 60/251 mandates the Human Rights Council to promote "universal respect for the protection of all human rights and fundamental freedoms for all, without distinction of any kind and in a fair and equal manner" (para. 2). The Council regularly reiterates the importance of ensuring and being guided by the principle of universality.[10] The most recently drafted human rights treaties, including the Convention on the Rights of the Child, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of Persons with Disabilities and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, all specifically reaffirmed universality or the applicability of human rights to all regardless of group affiliation.

22. Special procedures mandate holders, experts from the treaty monitoring bodies and the Office of the United Nations High Commissioner for Human Rights have likewise reasserted this tenet and emphasized the importance of ensuring that "traditions", "attitudes" and "customary practices" are not elevated above universal human rights standards.[11] As the Human Rights Committee has underscored: "While acknowledging the diversity of morality and cultures internationally, the Committee recalls that all States parties are always subject to the principles of universality of human rights and non-discrimination" (A/69/40 (Vol. I), para. 127 (10)). Likewise, the Committee on the Elimination of Discrimination against Women has insisted that "cultural characteristics could not be allowed to undermine the principle of the universality of human rights, which remained inalienable and non-negotiable" (A/52/38/Rev.1, para. 64).[12]

23. The principle of non-discrimination, enshrined in a large number of international legal instruments, constitutes an important legal basis for the relationship between universality and diversity. According to these texts and their interpretation by the relevant treaty bodies, discrimination constitutes any distinction, exclusion, restriction or preference or other differential treatment that is directly or indirectly based on the prohibited grounds of discrimination and which has the intention or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights. Everyone must enjoy the same rights, regardless of their distinctive features. At the same time, the enjoyment of rights and freedoms

[8] Charlotte Bunch, "Legacy of Vienna: Feminism and Human Rights", International Expert Conference on Vienna+20, Vienna, 27–28 June 2013.

[9] Report of the Fourth World Conference on Women, Beijing, 4–15 September 1995 (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1 (Beijing Declaration and Platform for Action), para. 224.

[10] See, for example, Human Rights Council resolutions 5/1, 6/6, 14/7, 22/5 and 25/11.

[11] See E/CN.4/2006/61/Add.5, paras. 9, 20, 76 and 80; A/HRC/4/34, para. 47; A/HRC/18/35/Add.5, para. 67; Committee on the Elimination of Discrimination against Women, general recommendation No. 19 (1992) on violence against women, paras. 11 and 23; and general recommendation No. 21 (1994) on equality in marriage and family relations, paras. 21 and 22; Office of the United Nations High Commissioner for Human Rights (OHCHR), "Harmful traditional practices affecting the health of women and children", fact sheet No. 23, August 1995.

[12] See also A/53/38/Rev.1, para. 282.

on an equal footing "does not mean identical treatment in every instance".[13] Caution must be exercised however, as going beyond the permissible scope of differential treatment may in itself constitute a breach of the non-discrimination principle.[14]

24. In its general comment No. 21 on the right to take part in cultural life, the Committee on Economic, Social and Cultural Rights highlighted the importance of cultural diversity for human rights and human dignity. It also confirmed the view that "no one may invoke cultural diversity to infringe upon human rights guaranteed by international law, nor to limit their scope" (para. 18).

B. Other international and regional standards

25. The relationship between universal human rights and cultural diversity is also explored in other instruments. UNESCO has adopted the Universal Declaration on Cultural Diversity (2001) and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005). in the Declaration, it is established that universal human rights are "guarantees of cultural diversity" and that "the defence of cultural diversity is an ethical imperative, inseparable from respect for human dignity", which "implies a commitment to human rights and fundamental freedoms, in particular the rights of persons belonging to minorities and those of indigenous peoples" (art. 4). It is also stated that cultural rights are "an enabling environment for cultural diversity" (art. 5). The Convention builds on the Declaration by affirming that "cultural diversity can be protected and promoted only if human rights and fundamental freedoms ... are guaranteed. No one may invoke the provisions of this Convention in order to infringe human rights and fundamental freedoms as enshrined in the Universal Declaration of Human Rights or guaranteed by international law, or to limit the scope thereof" (art. 2).

26. The 2030 Agenda for Sustainable Development (General Assembly resolution 70/1) is also steeped in universality and respect for diversity. It envisages "a world of universal respect for human rights and human dignity, the rule of law, justice, equality and non-discrimination; of respect for race, ethnicity and cultural diversity; and of equal opportunity permitting the full realization of human potential and contributing to shared prosperity ... A world in which every woman and girl enjoys full gender equality and all legal, social and economic barriers to their empowerment have been removed" (para. 8). It refers to the concept of "universal" no fewer than 29 times, and it is explicitly grounded in the Universal Declaration of Human Rights and subsequent human rights standards (para. 10). The Sustainable Development Goals set out in the 2030 Agenda cannot be achieved without the vigorous defence of universality, nor can meaningful universality be realized without effectively meeting the agreed targets. Paragraph 36 of the 2030 Agenda acknowledged that cultural diversity, as well as cultures, can contribute to, and are crucial enablers of, sustainable development.

C. National court cases

27. The law is a source of important norms guaranteeing universal human rights, but also a terrain of struggle over these rights. International and national law and courts can and should be used to advance universal human rights norms over claims of relativism and particularism. The Special Rapporteur lauds, for example, an important recent judgment in the United Kingdom of Great Britain and Northern

[13] Human Rights Committee, general comment No. 18 (1989) on non-discrimination, para. 8.

[14] Committee on Economic, Social and Cultural Rights, general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights, para. 13.

Ireland, shaped by the intervention of women human rights defenders, which rejected religiously justified gender segregation in education.[15] "This judgment is a vital step forward in our effort to persuade the courts and State bodies to take account of the misogyny and gender stereotyping that is promoted in our schools and universities in the name of religious and cultural freedom."[16]

28. Another positive example is the recent innovative citation of the Convention on the Rights of the Child by a judge in an appeals court in Mazandaran province in the Islamic Republic of Iran when denying the petition of a man seeking to revoke his former wife's child visitation rights because she remarried.[17] Every effort must be made to facilitate such use of the courts and the law to defend universality, including by facilitating the legal participation of human rights defenders.

III. Universality: at the heart of human rights culture and at the centre of the counter-attack against human rights

29. Universality goes to the heart of human rights and of who we are as human beings. It "can be found in the most intimate of all identities: relationships with life, death, sex, age, others, water, sand, trees ... knowledge, filiations".[18]

30. Universality is both an overarching concept of human rights and the skeleton that constitutes the framework of rights. It focuses both on "the universality of application as well as on the universality of obligation".[19] It is the test against which respect for rights, enjoyment of rights and their indivisibility can be measured. Like "culture", universality is not a static concept but an evolving one that has grown to offer greater rights protection, including equal protection from abuses by a range of actors, including State and non-State actors, whether individuals or corporations, and issues previously seen as outside the topic of international law, such as domestic violence.

31. Ardent defenders of the universality of human rights are found in all regions of the world. Its opponents are likewise geographically diverse. The antecedents and architects of universality similarly emerged from every region. It is a truly global project, not an idea that belongs to or springs from any one country or region. People and Governments in every part of the world are capable of violating or sustaining this idea.

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[15] England and Wales Court of Appeal, HM Chief Inspector of Education, *Children's Services and Skills v. The Interim Executive Board of Al-Hijrah School*, Case No. C1/2016/4313, Approved Judgement, 13 October 2017, on appeal from the High Court of Justice.

[16] Southall Black Sisters, "Court of Appeal finds the gender segregation can amount to unlawful sex discrimination", press release, 13 October 2017.

[17] See partial translation in Omid Salimi Bani, "The Judiciary: in Mazandaran Court, a judge appeals to international law", Human Rights and Democracy for Iran, 7 January 2017. See also www.isna.ir/news/95101911493/سند-مازندران-در-دادگاه-یک-سابقه-بی-رای.

[18] Patrice Meyer-Bisch, "Les droits culturels, un principe éthique de coopération et un levier de développement", keynote address for the panel "Cultural rights under pressure — a contemporary arts perspective" at the Crossroads conference organized by Pro Helvetia, Basel, 8 February 2018 (translated by the author).

[19] Sunila Abeysekera, "The High Commissioner's promotion of universality of human rights", in Felice D. Gaer and Christen L. Broecker, eds., *The United Nations High Commissioner for Human Rights: Conscience for the World* (Leiden, The Netherlands, Martinus Nijhoff Publishers, 2014), p. 121.

A. Today's complex reality: attacks on the concept of universality and advances in its realization

32. Entire systems of thought are today based on opposing the principle of a shared humanity. As the Special Rapporteur has previously noted, at the heart of the fundamentalist and extremist paradigms are rejections of equality and the universality of human rights, making unwavering defence of those principles the touchstone of the human rights response (A/HRC/34/56, para. 2).

33. It is no accident that the rhetoric of universality often resonates most strongly with the persons who are most marginalized and discriminated against, and that especially those working for the rights of these persons have insisted on this principle.[20] The Special Rapporteur recalls that African-American high school students among civil rights protestors in the iconic 1965 march in Selma in the United States of America carried the flag of the United Nations.[21] Today, for example, the framework of universal rights, non-discrimination, justice and dignity is used regularly by human rights defenders working to ensure the rights of Dalits and challenge caste-based discrimination in India.[22] Attacks on universality often come from the more powerful who seek to destroy a tool used to remedy the power differential. Hence, the defence and strengthening of this principle is vital for making rights for all, including cultural rights, a reality.

34. The Special Rapporteur is troubled by documented efforts to use the concept of universality to exclude certain rights and rights holders from protection. In this anti-rights lexicon, universality, couched as "universally accepted", means that human rights only apply to particular categories of people if everyone agrees, which turns the idea of universality into a contingent popularity contest rather than inherent protection for all, including the most discriminated against. Anti-rights actors manipulate the use of the terms "universal" and "fundamental" rights to apply only to certain human rights, often attempting to cast sexual and reproductive rights or the rights related to sexual orientation and gender identity as optional.[23] Universality is a framework for inclusion, not exclusion.

35. The increasing attacks in many countries on human rights defenders, including cultural rights defenders, and limitations on their ability to engage in universal human rights work, including through labelling them as "foreign agents", curtailing their ability to receive international funding or adopting additional norms that disproportionately restrict the work of human rights organizations, are very worrying

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[20] The importance of universality has been reiterated by many United Nations human rights experts, including those who work on the rights of marginalized persons, such as the Special Rapporteurs on the rights of persons with disabilities (A/HRC/37/56 and A/HRC/34/58, para. 32), on freedom of religion or belief (A/HRC/37/49 and E/CN.4/2002/73/Add.2, paras. 27 and 29), on the right to education (E/CN.4/2003/9, para. 23), on the rights of indigenous peoples (A/68/317, para. 70) and on violence against women (A/HRC/4/34, para. 22).

[21] Thomas Borstelmann, *The Cold War and the Color Line: American Race Relations in the Global Arena* (Cambridge, Massachusetts, Harvard University Press, 2001), p. 189.

[22] See, for example, the work of Jan Sahas Social Development Society. Available from http://jansahasindia.org.

[23] See Naureen Shameem, *Rights at Risk: Observatory on the Universality of Rights Trends Report 2017* (Toronto, Association for Women's Rights in Development, 2017), p. 84; and Human Rights Council resolution 32/2, preamble.

and must be ended in accordance with international standards.[24] To cite only a few illustrative examples, the Special Rapporteur was dismayed that Egyptian woman human rights defender Mozn Hassan, director of Nazra for Feminist Studies, has been subjected to a travel ban, had her assets frozen and been summoned for interrogation on the basis of charges including "changing the cultural values of women and inciting the irresponsible liberation of women in society".[25] If we are to achieve universal human rights, we need more Mozn Hassans and we need them to be able to do their work unimpeded.

36. The Special Rapporteur is also deeply concerned by the case of Qin Yongmin, a prominent human rights defender in China who was convicted in July 2018 of "subversion of State power" and sentenced to 13 years in prison. Among the evidence presented against him by the prosecutor was a book in which he called on the Government of China to protect human rights in accordance with the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.[26] This sends a chilling message to all human rights defenders.

37. There are signs of positive developments at the national and international levels in recognizing the equal and universal rights of those facing systematic discrimination, including with regard to their intimate lives, identities and choices. For example, the overwhelming success of the Irish referendum on 25 May 2018, which abrogated the eighth amendment to the constitution, paving "the way for the development of a new legislative and regulatory framework for access to abortion services"[27] that is more conducive to guaranteeing women's equal right to the highest attainable standard of health, and the creation in 2016 of the mandate of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity (Human Rights Council resolution 32/2), both represent such steps forward.

38. The call of the former Special Rapporteur on human rights and the environment, John H. Knox, for international recognition, similar to that in regional instruments, of the human right to a healthy environment is another positive development, which the Special Rapporteur endorses (see A/HRC/37/59, paras. 11–16). The universality of human rights, including cultural rights, has no meaning without a liveable environment in which they can be enjoyed.

39. However, there are also worrying signs of a backlash against universality, such as (a) well-resourced and orchestrated efforts by some Governments, government-

[24] See, for example, joint allegation letter, case No. IND 10/2016, and joint allegation letter, case No. IND 2/2016 (India); joint allegation letter, case No. ISR 1/2016, and related press releases from United Nations News, "United Nations experts urge Israel lawmakers to halt proposed legislation targeting civil society groups", 24 June 2016, and "United Nations office raises concern about Israel's 'NGO Transparency Law'", 19 July 2016 (Israel); and E/C.12/RUS/CO/6, paras. 7 and 8 (Russian Federation). For further examples, see A/HRC/38/34, and for critically important recommendations, see "20th anniversary of the UN Declaration on Human Rights Defenders", joint statement by a group of Chairs, Vice-Chairs and members of the United Nations human rights treaty bodies and the Special Rapporteur on the situation of human rights defenders.

[25] Memorandum in Case No. 173, issued by the Cairo Court of Appeal Investigations Office, 11 January 2017 (unofficial translation for the Special Rapporteur). See also Nazra for Feminist Studies, "The summon of feminist and woman human rights defender Mozn Hassan to investigation within the context of the NGO foreign funding case", press release, 18 June 2018.

[26] Chinese Human Rights Defenders, "China sentences veteran human rights defender Qin Yongmin to 13 years in prison", 11 July 2018; Indictment No. 107, The People's Procuratorate of Wuhan City, Hubei Province, China, 17 June 2016.

[27] Irish Human Rights and Equality Commission, "Oireachtas must now legislate to vindicate the human rights of women and girls in accessing healthcare", press release, 26 May 2018; see also CEDAW/C/IRL/CO/6-7.

backed groups, international organizations and civil society groups to campaign internationally against universality;[28] and (b) the frequent misuse of the concept of "religious freedom" in ways that contravene important standards governing freedom of religion or belief, to advocate against equality and universality.[29] Meanwhile, the withdrawal by the United States of America from the Human Rights Council, justified officially with criticisms of the Council, but publicly explained by a prominent official as a rejection of international human rights scrutiny,[30] is another shameful example. All of these steps backwards undermine human rights and should be condemned. Moreover, weakening or defunding the institutions designed to guarantee the implementation of human rights norms is likewise incompatible with a commitment to universality.[31]

40. There are many forms of relativism that undermine human rights culture and meaningful universality. These include cultural relativism, which is addressed in detail below. They also include the refusal to recognize entire categories of rights, such as economic, social and cultural rights, as human rights. Such an approach results in a selective universality, which is not acceptable either. Tolerance of widespread extreme poverty or diminished access to health care in the name of markets is as deeply undermining of universality as is the attempt to justify discrimination in the name of culture.

41. Blanket refusals to recognize the justiciability of human rights obligations or attempts to make domestic law superior to international human rights law, while failing to implement international human rights obligations, likewise result in relativism in practice. Other forms of relativism may be found in anti-immigrant rhetoric, which suggests incorrectly that all human rights stop at borders or are only to be afforded to citizens, and in the misuse of the concept of national sovereignty to avoid legitimate human rights scrutiny.

42. A robust universality must include civil, cultural, economic, political and social rights, must include the rights of all people and must envisage and enable their full implementation.

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[28] For example, the Special Rapporteur deeply regrets that the following language is used on the website of Human Rights High Council of the Islamic Republic of Iran: "It must be noted that human rights texts, drafted in the West, are imposed on other peoples through various means. This all-out attack … goes so far as to deny other peoples of the world their individual and social freedoms, whereas the proud peoples of the world, relying on their native and regional values, and relying on cultural diversity, combat this Western mechanism". According to the website, this official body campaigns "aggressively" at the international level against the worldview it ascribes to universal norms (unofficial translation for the Special Rapporteur).

[29] See, for example, A/HRC/34/50, paras. 44–50, and A/HRC/38/46.

[30] For the official statement, see Mike Pompeo, Secretary of State, United States of America, and Nikki Haley, United States Permanent Representative to the United Nations, remarks on the United Nations Human Rights Council, Washington, D.C., 19 June 2018. In a radio interview that same day on a programme with some 7 million listeners, the National Security Adviser of the United States, John Bolton, explained the decision of the United States as follows: "Fundamentally … this is a rejection of the notion that multilateral organizations are in a position to judge representative Governments like the US, or to try and impose their view of what an adequate human rights performance is". See The Mark Levin Show, Audio Rewind, 19 June 2018.

[31] See, for example, Coordination Committee of Special Procedures and Chairpersons of Human Rights Treaty Bodies, "We cannot let it go bankrupt", statement on the Inter-American Commission on Human Rights financial crisis, Geneva, 3 June 2016.

B. A universal human rights culture

43. Universality is a global human project, and an ongoing one, and has become a part of global cultures. Around the world, countless human rights defenders and advocates, experts, political actors and, most importantly, ordinary people from many diverse backgrounds have embraced and internalized the notion of the universality of human rights as being central to their work, their advocacy, their politics and the way that they live their lives and take part in cultural life. The universality of human rights is itself an important cultural project. Recognition of human dignity, equality and justice, as well as abuses of rights, often takes place through the mode of lived experience.

44. Governments have primary obligations to promote, protect and implement the concept of the universality of human rights. Other actors, including international organizations, transnational corporations, experts, the media and indeed "every individual and every organ of society", to use the terms of the Universal Declaration of Human Rights, have a role to play in striving for universal rights. The role of human rights defenders in promoting universality is also critical. The Special Rapporteur was pleased to note the recent creation by a global coalition of human rights defenders of an Observatory on the Universality of Rights to monitor international developments in this regard, and welcomes efforts of this kind, which should be encouraged and supported.[32]

45. As asserted in the *UNESCO World Report 2009*, "recognition of cultural diversity grounds the universality of human rights in the realities of our societies by drawing attention to their appropriation by all individuals who can identify these rights with a sense of ownership, regardless of language, tradition and location".[33] Each society is encouraged to highlight the expressions of universal human rights embodied in its languages and traditions, to identify in its own diverse cultural resources, in sayings, tales and philosophical wisdom, the values at the root of human rights and of human dignity. One example is a Mauritanian initiative in which students collected and analysed examples of values and traditions to raise awareness of the manifold links between them and universal human rights.[34] Connecting universal values with lived realities and aspirations and being able to quote an article of the Universal Declaration together with a traditional saying that conveys the same message reinforces the ownership of these values.

46. The *World Report* further notes "the fact that these rights and freedoms are meant to be exercised in a wide variety of cultural environments by no means implies that universal norms can be relativized in terms of their application" (p. 225). It is the nature of inherent, universal human rights norms to apply in all social and cultural contexts. As stated repeatedly by the mandate holders in the field of cultural rights, cultures are dynamic, they change over time and are areas of internal debate and contestation. Not all expressions of cultural diversity are acceptable when viewed from the perspective of universal human rights. Each tradition and practice identified as "cultural" has to stand the test of universal human rights and show its capacity to build and maintain human dignity to be legitimate.[35] The exercise of cultural rights

[32] See www.oursplatform.org.

[33] United Nations Educational, Scientific and Cultural Organization (UNESCO), *UNESCO World Report. Investing in Cultural Diversity and Intercultural Dialogue* (Paris, 2009), p. 225.

[34] Abdoulaye Sow, "Traditions, droits humains et diversité culturelle face aux mutations sociales en Mauritanie", submission at the Special Rapporteur's expert consultation, March 2018.

[35] Jean-Bernard Marie, "L'universalité des droits de l'homme revisitée par la diversité culturelle", in Gilbert Vincent (ed.), *La partition des cultures: droits culturels et droits de l'homme* (Strasbourg, presses universitaires, 2008), p. 387.

enables each person to freely develop and contribute to the creation of culture, including through the contestation of dominant norms and values.[36]

47. Universality is not meant to be a weapon against cultural diversity, nor is cultural diversity a weapon against universality. The two principles are mutually reinforcing and interlocking.

IV. Cultural relativism: deconstructing humanity in the name of culture

48. Cultural relativism has been repudiated by international human rights law, so codified and accepted by Governments from every region of the world. Such a stance is often adopted with regard to the rights of others, deemed to have lesser or different rights claims because of the collective to which they are assumed to belong. Almost no one would relativize her or his own rights. As Fatiha Agag-Boudjahlat asks, why should some women accept what others refuse for themselves and their daughters?[37] There can be no category of "second-class humans".[38] Yet, cultural relativism regularly rears its ugly head in United Nations forums and in university classrooms, even in the field of human rights. Both some apologists for colonialism and some who consider themselves "post-colonial" have sometimes used similar arguments to justify their cultural relativism. This must be tackled through creative, contemporary and fully resourced human rights education. Cultural relativism is no mere theoretical construct; the exclusions from rights protection it seeks to create have grave, sometimes lethal, consequences.

49. Millions of people around the world, including the Special Rapporteur's grandfather, Lakhdar Bennoune, a peasant leader, died defeating colonialism, itself a form of relativism. The power dynamics of hegemony and the imposition associated with this phenomenon are to be scrupulously avoided. However, those who laid down their lives to end colonialism were fighting for more freedom, not less; for more rights, not less; for the right to be considered equally human and entitled to equal rights, not inherently different and entitled to different rights. Misusing colonial history to justify contemporary human rights abuses insults their memory and undermines their achievements. "The idea that different peoples were endowed with separate rights would have seemed absurd in the middle of the twentieth century to those struggling against colonial oppression, or trying to build new nations."[39]

50. Efforts to advance the universality of rights have been made in every part of the world, though some are more recognized than others. "It is too easy to forget that the movements and revolts against slavery, against colonization, for self-determination, independence ... and anti-apartheid in South Africa were vitalized and articulated using the universal language of rights and equality, what we call human rights today."[40]

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[36] United Nations Development Programme, *Human Development Report 2004: Cultural Liberty in Today's Diverse World* (New York, 2004), p. 4.

[37] Fatiha Agag-Boudjahlat, *Le grand détournement: féminisme, tolérance, racisme, culture* (Paris, Cerf, 2017), p. 86 (translated by the Special Rapporteur).

[38] Human Rights Watch, "70 years of the Universal Declaration of Human Rights: closing the implementation gap", 28 February 2018.

[39] Gita Sahgal, "Who wrote the Universal Declaration of Human Rights?", Open Democracy, 2012, available at www.opendemocracy.net/5050/gita-sahgal/who-wrote-universal-declaration-of-human-rights.

[40] Chetan Bhatt, "The challenges to universalism", presentation at the Special Rapporteur's expert consultation, 28 February 2018.

51. The Special Rapporteur is saddened to see that anti-rights actors today regularly use the expression "culture" as a trope for cultural relativism in human rights debates. The resurgence of cultural relativism represents a particular threat to human rights, including the rights of women and of members of minorities — and its proponents sometimes attempt to use a cultural rights justification for their arguments. "Arguments that are based on 'relativism' or 'cultural specificity' also seek to place individuals and groups from marginalized communities outside the protection of international and national human rights protection mechanisms."[41]

52. As the Special Rapporteur has noted previously, the fact that the Convention on the Elimination of All Forms of Discrimination against Women is the human rights convention subject to the most reservations, many of which are based on unacceptable cultural relativist excuses for not implementing women's equality, is a matter of grave concern (A/72/155, para. 6). International law allows States to make reservations if they do not undermine the object and purpose of a treaty. However, reserving the right to discriminate on the basis of claimed religious and cultural arguments when ratifying a treaty whose main goal is to prohibit discrimination is a clear violation of universality, as well as a nonsensical endeavour that should be without legal effect. The same concern applies to endless and boundless uses of derogation clauses whose application is clearly limited by international law.

53. It is reprehensible that relativist arguments find their way into the text of United Nations resolutions. In each country, there is an obligation to realize all human rights for all persons without discrimination, whatever the state of domestic debates "on matters associated with historical, cultural, social and religious sensitivities", as referenced in Human Rights Council resolution 32/2. Sensitivities do not overrule the international human rights obligations of States. No historical, social, cultural or religious sensitivities can justify the criminalization of one's sexual orientation or gender identity, or any other discriminatory or violent actions based on these grounds.[42]

54. The concept of the "protection of the family", introduced in resolution 26/11, has similarly "been used to undermine women's rights by challenging universal human rights to equality and non-discrimination" (A/HRC/38/46, para. 13), as has the attempt to use undefined "traditional values" to limit human rights, in particular through Human Rights Council resolution 12/21. The Special Rapporteur concurs with the Advisory Committee, which noted that "tradition is often invoked to justify maintaining the status quo ... Those who benefit most from the status quo are more likely to appeal to tradition to maintain power and privilege, and also to speak on behalf of tradition, while those most marginalized and disenfranchised have the most to lose from a traditional values approach to human rights" (A/HRC/22/71, para. 40). It is worth recalling that at certain times and in certain places, slavery, alien domination and even systematic racial discrimination were all justified by recourse to "traditional values", things which are considered entirely repugnant today.

55. It is also problematic that efforts to encourage the fulfilment of universal human rights obligations for all are sometimes portrayed as "external pressure and coercive measures ... with the aim of influencing the relevant domestic debates and decision-making processes at the national level" (Human Rights Council resolution 32/2). It is positive when these obligations are recalled as conditions to assistance programmes in an effort to strengthen the realization of universal human rights. The alignment of

[41] Abeysekera, "The High Commissioner's promotion of universality", p. 122.

[42] Victor Madrigal-Borloz, Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, address to the Identity Conference, Toronto, 24 May 2018. See also A/HRC/19/41.

international relationships with universal human rights obligations is consistent with the promises of the Universal Declaration of Human Rights.

V. Strengthening the universality, indivisibility and interdependence of human rights by implementing cultural rights

56. The debate on cultural relativism is often framed as if to suggest that only some, usually non-"Western", people have culture, that culture is monolithic, represented by the State or by particular (often male) religious or traditional leaders, and as something that is invariably in opposition to what are claimed to be "Western human rights norms". This is a gross mischaracterization of the world we live in, in which, as the Special Rapporteur has noted in the past: (a) all people and all peoples have culture, not merely certain categories or geographies of people; (b) cultures are human constructs constantly subject to reinterpretation; and (c) while it is customary to do so, referring to culture in the singular has problematic methodological and epistemological consequences. It must be understood that culture is always plural. "Culture" means cultures (A/HRC/31/59, para. 8). Moreover, universal human rights norms are truly global.

57. Cultures have many positive implications for the enjoyment of universal human rights. Understanding cultural rights as universal rights means respecting and protecting the rights of all persons to participate in the cultural life of their choice, and to manifest their own cultural references and practices, in accordance with international standards. The right to take part in cultural life without discrimination, including the right to participate in decisions to change or cease cultural practices, is a human right in and of itself. Moreover, as the Special Rapporteur explained in detail in her report to the Human Rights Council in 2018 on socially engaged artistic and cultural initiatives, cultural practices and the exercise of cultural rights may be key tools for advancing human rights goals (A/HRC/37/55).

58. Culture permeates all human activities and institutions (A/67/287, para. 2). Acknowledging this fact implies that, in designing the conditions, measures, policies and programmes for the implementation of all human rights, States must pay attention to the internal diversity of their societies and recognize the multiple ways to achieve effective implementation. As when translating a text, the substance of the message — each universal human right — must remain the same, even if the language and expressions — the means of exercising effectively this right in a specific environment — are different. This process increases the accessibility of the substance of each right and improves its implementation.

59. Better integration of cultural rights in the universal, indivisible and interdependent framework of human rights allows for a new understanding of cultural diversity. The cultural rights mandate has demonstrated on many occasions that cultural diversity is both a necessary condition for and the result of the exercise of cultural rights by all. Access to the diversity of persons, knowledge, cultural heritage and creative expressions of others is necessary to develop capacities and expressions. In turn, the way each person participates in and contributes to cultural life adds to the cultural diversity of the environment. They are mutually reinforcing. Cultural diversity goes beyond ethnicity and religion to include all human diversity — resulting from gender, age, relationship with nature, social and economic background, political opinion, geographical origin, migration and other forms of social mix — as well as the diversity of cultural expressions and resources that are continuously created, developed, re-interpreted and transmitted. This diversity of diversities not only defines new cultural freedoms, it also breaks the myth of homogeneous cultural

blocs, questions the authority of any person or institution to impose an interpretation on cultural resources and calls for greater access to cultural goods and practices for all.

60. Cultural diversity is an essential factor for the realization of all universal human rights, and full respect for human rights both creates an enabling environment for, and is a guarantee of, cultural diversity.[43] For instance, oral, audio, visual and written materials, as well as a diversity of physical and virtual spaces, are necessary to realize freedom of expression. It is through respecting this freedom for all that a variety of media, content and forms of expression can flourish. There can be no freedom of thought and conscience in a context where a single ideology is imposed, and protecting freedom of conscience and belief also ensures the existence of a plurality of religions and beliefs. No political decision can be legitimate without there being a real alternative available and ensuring the right for all, including persons belonging to minorities and indigenous peoples, to meaningfully participate in the decision-making processes contributes to a wider array of political options.

61. The efforts to guarantee equal human rights to all persons with disabilities have shown this mutually reinforcing relationship between diversity and all human rights. Disability results from the interaction between persons with impairment, external barriers that hinder their participation, such as attitudinal barriers (for example, stereotypes), and the way that society is organized. The conditions to equally access physical and intellectual resources and opportunities, such as education, employment and mobility, need to be adapted to ensure real life choices and full and effective participation in society. A comprehensive approach to the indivisibility and interdependence of all human rights goes further: it is not sufficient to adapt the conditions, persons with disabilities have the right to access and participate in society from their own cultural perspective, as long as it is compatible with universally recognized human rights. Continuously questioning the norms and processes and giving more thought to how every person can be fully included while respecting their inherent dignity is necessary to ensure the effectivity of universal human rights in ever-changing contexts and realities. Creative solutions to improve diversity in the services and opportunities available, such as audiobooks, tactile reproductions in museums or soundscapes for the arts, often result in greater accessibility for all. There is no default human being who serves as the sole standard for what human rights require.

62. Given the equality that it mandates, universality is of great importance to indigenous peoples in their struggles to keep their cultures and traditions alive and resist assimilation and the compounding effects of colonization, internalization of oppression, displacements from traditional territories and the reconstruction of cultures and communities in urban centres.[44] For indigenous peoples, the right to self-determination and most other human rights cannot be fully realized without respect for their world views and cultural resources, and therefore implies their right not to be forced into assimilation.[45] An integrated approach, bringing together universality and cultural diversity is essential, as is free, prior and informed consent. The United Nations Declaration on the Rights of Indigenous Peoples references the importance of both the Universal Declaration of Human Rights (art. 1) and diversity (art. 15) for the rights of indigenous peoples. Moreover, it requires that "in the exercise of the

[43] UNESCO, Universal Declaration on Cultural Diversity, arts. 4 and 5.

[44] Victoria Tauli-Corpuz, "The human development framework and indigenous peoples' self-determined development or development with culture and identity" (E/C.19/2010/CRP.4).

[45] See General Assembly resolution 61/295 (United Nations Declaration on the Rights of Indigenous Peoples), in particular arts. 3–5 and 8. Of the 46 rights in the Declaration, 11 relate directly to culture and cultural matters.

rights enunciated in the present Declaration, human rights and fundamental freedoms of all shall be respected" (art. 46 (2)).

63. The International Year of Indigenous Languages will be celebrated in 2019. An excellent way to mark that event in a holistic manner would be to ensure that the Universal Declaration of Human Rights and material about its history are made accessible in more indigenous languages.

64. Besides affirming the right to self-identify with a variety of groups, including on the basis of grounds such as ethnicity, descent, religion, beliefs and convictions, language, gender, age, value affiliation, nationality and geographical location, cultural rights also include the right to change these choices of references throughout one's life. However, this is not a communitarian vision. The right not to participate in specific traditions, customs and practices, particularly those that infringe on human rights and dignity, to dissociate from an interpretation of values or beliefs and step out of the association with a group must be protected and ensured for all. One also has the possibility to reject emphasis on group affiliation and focus on shared equal citizenship and *vivre-ensemble* (living together in harmony). This is a worldview important to the self-identification and human rights stance of many. The Special Rapporteur has previously raised concerns about the misuse of the term "community" and the presumption of group identity and its consequences (A/HRC/31/59, paras. 11–18).

65. Often, those challenging an interpretation or choosing to dissociate from a particular practice or tradition do not necessarily wish to dissociate from the whole cultural framework. On the contrary, and especially when questioning practices that have a detrimental impact on human rights, their critical stance aims at strengthening their cultural, social and spiritual resources by bringing them into line with universal human rights, identifying more suitable ways to continue to express their values and improving their contribution to the global culture of human rights.

66. When space for constructive debates and contestation is non-existent within a particular group or a person does not recognize himself/herself anymore in its shared values and practices, individuals may wish to completely exit that group. As established by treaty bodies, "no one shall be discriminated against because he or she chooses to belong, or not to belong, to a given cultural community or group, or to practise or not to practise a particular cultural activity",[46] and States "must take measures to ensure that ... the freedom to adopt the religion or belief of one's choice — including the freedom to change religion or belief and to express one's religion or belief — will be guaranteed and protected in law and in practice ... without discrimination".[47] In all countries, there should be provisions and mechanisms to protect those who decide to step outside given cultural and religious frameworks, such as non-religious persons, from physical attacks, threats and incitement to hatred and violence from any person or group, including members of their family.

67. Furthermore, exiting a collective because one does not share its interpretation of culture does not alienate the person of his/her cultural right to continue to refer to those cultural resources and develop alternative interpretations.

[46] Committee on Economic, Social and Cultural Rights, general comment No. 21 (2009) on the right of everyone to take part in cultural life, para. 22.

[47] Human Rights Committee general comment No. 28 (2000) on the equality of rights between men and women, para. 21; see also general comment No. 22 (1993) on the right to freedom of thought, conscience and religion, para. 5.

VI. Conclusions and recommendations

A. Conclusions

68. **To commemorate the seventieth anniversary of the Universal Declaration of Human Rights, we must defend and promote its core principle of universality and implement its substantive articles, including article 27 guaranteeing the right to take part in cultural life, without discrimination. We must promote this message through scholarship, advocacy, policy, law, arts and culture. The message of the Universal Declaration reverberates across the regions in diverse voices, such as in the lyrics of Tunisian singer Emel Mathlouthi's song *Kelmti Horra*: "I am all the free people of the world put together".**

69. **In today's polarized world, we need a sophisticated multi-directional stance. We must simultaneously defend the universality of human rights from those seeking to use culture and cultural claims as a weapon against rights and against others, and at the same time defend cultural rights and respect for cultural diversity, in accordance with international standards, when those principles come under attack.**

70. **The present report documented different types of threats to the human rights system. Universality is under threat in particular from attempts to justify a selective approach to it, by: (a) granting human rights only to some persons and not to others; (b) committing only to some rights, such as civil and political rights or economic, social and cultural rights, but not to the whole indivisible and interdependent system of human rights; or (c) recognizing as universal only the rights that all are deemed to agree on, and not all the rights in the universal framework guaranteeing human dignity and equality for all. Any State or stakeholder advocating these selective approaches undermines the principles of universality, indivisibility and interdependence of rights and weakens the foundations of the human rights system. When some rights or some persons are taken out of the protective framework of human rights, the door is open for other rights and other groups to be similarly excluded. The universal guarantee of all human rights to all human beings must be defended to protect the dignity of all and to promote a universal human rights culture.**

71. **The other set of major threats concerns cultural relativism and repeated attempts to put particularities — of one region, one group, one world view or one interpretation of culture and religion — above the universal norms of human rights. Cultural relativism has been repudiated by human rights law and should not be tolerated in any setting, and especially not in the United Nations and human rights bodies. The Special Rapporteur reaffirms that each cultural practice, norm and tradition must stand the test of universal human rights and show its capacity to build and maintain human dignity to be legitimate.**

72. **It is essential in 2018 to understand that there is a diversity of cultural diversities in each and every society, and that this is not a threat or an impediment to universal human rights, but a reality and a resource. At the same time, we must not overlook our commonalities and overemphasize our differences, remembering always that we are all equal members of the human family, sharing one fragile planet, endowed with inherent dignity and possessing equal and inalienable rights.**

B. Recommendations

73. **To protect and defend the universality of human rights and the universal human rights framework, the Special Rapporteur calls on States, international organizations, civil society organizations, experts and individuals to:**

(a) **Reaffirm the universality, indivisibility and interdependence of all human rights and their commitment to the vision of the Universal Declaration of Human Rights;**

(b) **Respect and promote cultural rights for all without discrimination; ensure and promote adequate human rights education emphasizing universality and non-discrimination, including through the arts, culture and a wide range of media;**

(c) **Ensure that the Universal Declaration of Human Rights and material about its history are made accessible, including on the Internet and in more indigenous and local languages.**

74. **In this regard, the Special Rapporteur calls on States to:**

(a) **Continue to engage with and support human rights mechanisms at the international, regional and national levels, including through adequate funding, so that they can uphold universal human rights for all;**

(b) **Ratify the two international covenants on human rights and their optional protocols and implement them fully in national law and practice;**

(c) **Remove all reservations to human rights treaties, in particular to the Convention on the Elimination of All Forms of Discrimination against Women, that are contrary to the object and purpose of the treaty and that undermine universality;**

(d) **Adopt measures to safeguard and support human rights defenders advocating for universal human rights, in line with the Declaration on Human Rights Defenders (General Assembly resolution 53/144, annex).**

75. **In order to effectively challenge cultural relativism, the Special Rapporteur calls on States to:**

(a) **Review laws and legal norms that discriminate against anyone on the basis of cultural or religious arguments, and take the steps necessary to bring them into line with universal human rights standards;**

(b) **Refrain from using culture, cultural rights or tradition to justify violations of international human rights and ensure that no representative of the State does so in national or international forums; continuously maintain and promote the idea that culture, cultural rights and the exercise of cultural diversity are grounded in and subject to the universal human rights framework and international standards.**

76. **All relevant bodies, including States, international and civil society organizations, experts, academics and individuals should:**

(a) **Challenge, whenever necessary, intolerant ideologies, including fundamentalist and populist ideologies, that incite or result in discrimination against any person or group or the violation or denial of any universal human rights;**

(b) Systematically challenge practices, norms, discourses and interpretations that reduce the cultural choices of persons by encouraging informed debates about how these can be modified to be in conformity with international human rights standards;

(c) Relevant academic bodies should consider sponsoring symposiums, curricula and scholarship on the importance of universality, which, in accordance with academic freedom, challenge cultural relativism.

77. **To improve respect for cultural diversity within the framework of universal rights, States should:**

(a) Take the steps necessary to bolster the right of each person to freely choose and have cultural references and to identify with multiple and simultaneous cultural groups or none, to participate in cultural life and to be able to change their choices and exit groups;

(b) Strengthen the mechanisms for the protection of persons at risk of human rights abuses, intimidation, violence and discrimination for choosing not to participate in certain cultural practices, or who challenge norms and interpretations or decide to exit a group with which they no longer identify; where such mechanisms of protection do not exist, develop them;

(c) Reaffirm the importance of secularism and the separation of religion and State, and of secular spaces, for the full implementation of freedom of religion or belief and all other human rights;

(d) Respect, protect and fulfil the United Nations Declaration on the Rights of Indigenous Peoples and respect and operationalize the right to free, prior and informed consent in all processes that have an impact on their cultural rights;

(e) Recognize and value cultural diversity, respect its free development within the framework of universal human rights and avoid abusively restricting its expression; recognize and respect cultural dissent, syncretism and cultural mixing, as well as the rights to re-interpret and recreate cultures;

(f) Develop and implement cultural policies and measures aimed at protecting and promoting cultural diversity, in accordance with international standards, and enabling each person to freely take part in it;

(g) Create an enabling environment to enhance access to and participation in cultural life, as well as access to the cultural resources of others; this includes reviewing educational programmes and manuals to ensure that they provide access to knowledge about a diversity of cultural resources and to human rights education;

(h) Maintain, protect and develop open, safe and diverse public spaces, including intercultural spaces, and foster opportunities for a diversified cultural life to evolve in such spaces;

(i) Set up an institutional framework and support cultural institutions and public infrastructure in facilitating access to a rich and diversified range of cultural expressions;

(j) Ratify and implement the Convention on the Protection and Promotion of the Diversity of Cultural Expressions.

78. **In this regard, civil society organizations, experts, academics and individuals should:**

(a) **Revitalize cultural traditions and customs but also consciously contribute to reviewing aspects that are not consistent with international human rights standards and do not promote gender equality;**

(b) **Encourage debates about and re-evaluation of all practices that violate any universal human rights, with a view to bringing them in line with international norms and standards; in doing so, foster access to adequate information about the human rights approach.**

Annex

Towards a global history of the Universal Declaration of Human Rights

1. The Universal Declaration of Human Rights, though drafted from 1946 to 1948, at a time when many States had not yet achieved independence, was truly the product of a global drafting process, and delegates from every region of the world, both women and men, made significant contributions to strengthening its guarantees.[1] For example, important contributions were made to the drafting of article 27 on cultural rights by States including Chile, France and Peru and by the United Nations Educational, Scientific and Cultural Organization (UNESCO). The representative of Peru, José Encinas, introduced the word "freely" to the draft, insisting that it was not sufficient to state that everyone has the right to cultural participation and development, but that the document should emphasize complete freedom of creative thought "in order to protect it from harmful pressures which were only too frequent in recent history."[2]

2. The Universal Declaration of Human Rights is truly an intercultural document in multiple senses: "people from various cultures and religions were involved in the writing of the text", it "voiced a concern for cultural belonging and the importance of culture for the well-being of the individual person" and it "was a product of what one could call 'intercultural strategies and dialogues', that is, argumentation that tried to reach agreements even though the drafters have very different cultural/ethical backgrounds and views."[3] The representative of China, Peng Chun Chang, was among those who emphasized that the Declaration should be "universal and religiously neutral".[4]

3. Women's rights advocates from around the world worked to enhance the Declaration and make it "the universalizing document it has remained".[5] Anti-colonial and anti-racist activists contributed to the surrounding debates. The text adopted was not an imposition of the values or cultures of any one region of the world, but rather a foundational challenge to entrenched systems of racial and sexual discrimination, as well as religious privilege, that were prevalent around the world at the time of its drafting. A universalist frame based on reason and conscience rather than on God and country was arrived at, not in spite of cultural, religious or philosophical diversity, but because of such diversity, as the only way to guarantee

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[1] On the many contributions of the Global South to the elaboration of human rights standards, see Steven L. B. Jensen, *The Making of International Human Rights: The 1960s, Decolonization, and the Reconstruction of Global Values* (Cambridge University Press, 2016). There were 58 States Members of the United Nations when the Universal Declaration was adopted on 10 December 1948.

[2] Johannes Morsink, *The Universal Declaration of Human Rights: Origins, Drafting and Intent* (Philadelphia, University of Pennsylvania Press, 1999), p. 218.

[3] Hans Ingvar Roth, "Peng Chun Chang, intercultural ethics and the Universal Declaration of Human Rights", in Göran Collste, ed., *Ethics and Communication: Global Perspectives* (London, Rowman and Littlefield International, 2016), pp. 98 and 99. For more on Chang's contributions, see Hans Ingvar Roth, *P. C. Chang and the Universal Declaration of Human Rights* (Philadelphia, University of Pennsylvania Press, 2018).

[4] Ibid., p. 105.

[5] Office of the United Nations High Commissioner for Human Rights (OHCHR), "Women helped make the Universal Declaration of Human Rights 'universal'", 6 March 2018, available at https://medium.com/@UNHumanRights/women-helped-make-the-universal-declaration-of-human-rights-universal-784479830153; citing an interview with Rebecca Adami, author of *Women and the Universal Declaration of Human Rights* (forthcoming).

the human rights, including cultural rights, of everyone.[6] This was the one generalizable position, and indeed the only one that could respect diversity.

4. The Universal Declaration of Human Rights was drafted at a time of devastation and insecurity, with millions of refugees displaced across Europe, the Indian subcontinent and many other parts of the world. The ghost of the Holocaust and other atrocities of the Second World War haunted the process, leading states to sustain "a theory premised on the centrality of people — both in their collective and individual capacities — that enjoyed primacy over the claims of the sovereign state".[7] Among the drafters were those who were committed to the total defeat of Nazism and fascism, to the end of the age of empires and to the recognition that these goals required a common strategy: a universal search for liberty and equality. This search crystallized in the Declaration. Significant additions were made by recently decolonized States with regard to the prohibition of slavery and of discrimination, as well as guarantees of the rights of women and the right to self-determination.[8]

5. Hernán Santa Cruz of Chile, a member of the drafting committee, described the drafting exercise as "a truly significant historic event in which a consensus had been reached as to the supreme value of the human person, a value that did not originate in the decision of a worldly power, but rather in the fact of existing".[9]

6. All too often the history of human rights norms, and of the Universal Declaration of Human Rights itself, is written by Governments opposed to universality, and even by some who advocate it, and by some academic critics of human rights in an exclusivist way, emphasizing the contributions of European and North American delegates and overlooking the truly global contributions that blended together to create a transcultural human rights framework. While it is appropriate to celebrate the well-known and significant contributions of individuals such as Eleanor Roosevelt and René Cassin, insufficient attention has been paid to the work of other women delegates and delegates from the global South in the drafting process. We need to recognize and pay tribute to the efforts of delegates such as Minerva Bernardino, a diplomat and feminist leader from the Dominican Republic, Hansa Mehta, an anti-colonial feminist, a member of the Constituent Assembly and the representative of India to the Commission on Human Rights, and Begum Shaista Ikramullah from Pakistan. It is thanks to Mehta that the first article of the declaration refers to "all human beings" rather than "all men", which she feared would be interpreted to exclude women[10]. Bernardino pushed for the use of the phrase "equality of men and women" in the preamble. [11]

7. Divisions were not along clear lines of religious, cultural or national blocs, but sometimes within them. For example, it is in part thanks to Ikramullah (who also received support from Egypt at the time) that article 16 contains the guarantee of equal rights in marriage, notwithstanding the opposition of Saudi Arabia — a truly pioneering achievement for its time. This provision challenged racial segregation laws in countries such as the United States of America, as well as limitations on marriage based on religion, caste and nationality in other countries. The Foreign Minister of Pakistan defended the right to leave religion in the General Assembly

[6] Chetan Bhatt, "The challenges to universalism", presentation at the Special Rapporteur's expert consultation, Geneva, 28 February 2018.

[7] David Mayers, "Humanity in 1948: the Genocide Convention and the Universal Declaration of Human Rights", *Diplomacy and Statecraft*, vol. 26, No. 3 (2015).

[8] Gita Sahgal, "Who wrote the Universal Declaration of Human Rights?", Open Democracy, 2012, available at www.opendemocracy.net/5050/gita-sahgal/who-wrote-universal-declaration-of-human-rights.

[9] See www.un.org/en/sections/universal-declaration/history-document/index.html.

[10] Sahgal, "Who wrote the Universal Declaration of Human Rights?".

[11] OHCHR, "Women helped make the Universal Declaration of Human Rights 'universal'".

debate, quoting the Qur'an.[12] Today, we have lurched sharply backwards, with 13 countries in the world applying the death penalty against so-called apostates.

8. The former Special Rapporteur on freedom of religion or belief has stressed that "Universality is inherent in human rights... The very title of the Universal — and not international — Declaration of Human Rights reinforced that trend, the objective being to unite all individuals over and above their racial, ethnic, religious and gender differences and combine unity and diversity in the name of the equal dignity in regard to differences of identity" (E/CN.4/2002/73/Add.2, para. 27). Moreover, he explained that "universality arises out of a concept which is at the very root of human rights: the consubstantial and inherent dignity of the person" (ibid., para. 29).

9. At the time of its adoption, notwithstanding abstentions, not a single country voted against the Universal Declaration of Human Rights.

10. The Special Rapporteur is delighted to note that the Universal Declaration of Human Rights, which is perhaps one of the greatest human achievements of the twentieth century, is the single most translated document, being currently available in over 500 languages.

11. The Declaration remains imperfect, as is to be expected in any document drafted by human beings, featuring now-archaic language about, inter alia, "brotherhood" and "his family,"[13] omitting specific mention of issues now considered critical human rights questions, and to some degree sidestepping the lived reality of colonialism that was ongoing at the time of its drafting. Nevertheless, it represents a remarkable feat of transcultural negotiation and compromise that might be impossible to achieve in today's polarized world. It has become not only the touchstone of the human rights movement and an important international legal standard, but also one of the most important pieces of intangible cultural heritage created during the twentieth century and, thus, part of the cultural heritage of all humankind. It merits and requires vigilant protection from acts of intentional destruction or the effacement of its complex global history.

[12] See A/PV.182, p. 890. See also Glen Johnson and Janusz Symonides, *The Universal Declaration of Human Rights: a history of its creation and implementation, 1948–1998* (Paris, UNESCO, 1998), p. 38, available at http://unesdoc.unesco.org/images/0011/001144/114488E.pdf.

[13] Catharine A. MacKinnon, *Are Women Human? And Other International Dialogues* (Belknap Press of Harvard University Press, 2006), pp. 41–43. MacKinnon asks, "if we were all enjoined to 'act towards one another in a spirit of sisterhood,' would men know it meant them, too?", p. 42.